RECORDS IN THE BRITISH PUBLIC RECORDS OFFICE RELATING TO SOUTH CAROLINA

VOL. 20
1739-1742

MICROFILMED
BY
WM. L. McDOWELL

Vol. No 20

1739 to 1741

B P R O Journals B T Vol 20.

Whitehall 27th March 1739

At a Meeting of His Majestys Commrs for Trade & Plantations

Present

Lord Monson

Col Bladen Mr Ashe Mr Bladwell

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The Board orderd the Secretary to write a Letter to Mr Mc Culloch desiring his attendance here on Thursday next on the Subject of some Affair relating to the Province of South Carolina.

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29th March 1739

Mr Mc Culloch attending as desired by the Minutes of Tuesday last, the Board had a long discourse with him on the Subject of several Laws passed in the two Provinces of North & South Carolina and referrd the further Consideration of the same to another opportunity. Ordered likewise that the Secretary write a Letter to Mr Lane that he would be pleased to appoint a time when Mr Mc Culloch may talk with him on the Subject of the Last Rent Law in South Carolina.

. . . . . .

15th May 1739

Mr

1739

Mr. Mc Culloh attending prayd that their Lordships would take into consideration the Reports that have been made and the Letters that have been writ by the Governors of North & South Carolina to this Board relating to the Boundary Lines between those two Provinces and that they would please to make their Report thereon, and their Lordships were pleased to appoint tomorrow for the Consideration of the said affair and order'd that the several Papers relating thereto be laid before them.

11th May 1739

The Board had before them and took into consideration the several Papers mentioned in the Minutes of Yesterday & upon finding the Govrs of the two Provinces had not transmitted to this Office any regular Returns their Lordships thought fit to defer making any Report to his Majesty.

24th May 1739

Read an Order of Council dated March 22d 1738/9 directing the Board to prepare an Additional Instruction to the Governor of South Carolina about Paper Money, and the said Instruction was accordingly Order'd to be prepared.

Read

29th May 1739

Read his Majestys Commission to Henry McCulloh Esq constituting him Commissr for Supervising Inspecting and Controlling the Revenues and Grants of Lands in South and North Carolina.

Read likewise his Majestys Instructions to the aforesaid Henry McCulloh Esq Commissr for Inspecting and Controlling the Revenues and Grants of Lands in South & North Carolina.

And the said Commission and Instructions were order'd to be entred in the Books of this Office.

30th May 1739

Mr McCulloh attending laid before the Board a Paper containing his reasons for repealing the last Rent Law passed in South Carolina in the year 1731 and the same being read and considered, the Board acquainted him that they had already reported upon that Law, and that he must apply to His Majesty in Council.

1st June 1739

Mr McCulloh attending the Board had some further discourse with him upon several Laws of North Carolina

Carolina.

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5th June 1739.

Mr McCulloh attending the Board had some further discourse with him on the Subject of the Quit Rent Laws.

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6th June 1739

Mr Sharpe, Clerk of the Council attending by order of the Committee of Council to enquire of the Board, if they had agreed upon any Plan of a Quit Rent Law for South Carolina, the Board was pleased to return for answer that they had several times had such a Law under Consideration, but many objections having risen in the Course of their Proceedings, they had not yet come to any Determination in that affair.

. . . . . .

Mr Glen Governor of S Carolina attending delivered in at the Board a Paper which had been put into his hands, Entituled a Proposal to coyne a new Paper Currency in South Carolina and the same was read.

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7th June 1739

Read the Draught of an Additional Instruction to the

the Governor or Commander in Chief of South Carolina in pursuance of an Order of Council dated March 22d 1738/9 mentioned in the Minutes of May 29th last and the same was agreed to

Ordered that the same be transcribed and that the Draught of a Representation to the King in Council thereupon be prepared.

8th June 1739

Read Mr Sanes Report received this day upon the Case of Mr Hammerton Secretary and Register of South Carolina Ordered that the same be reconsidered at a nother opportunity.

A Copys of 29 Orders in Council on various Subjects relating to the several Governmts in His Majestys Plantations in America, as mentioned in the Margin, were laid before the Board, & the Titles were read.

S Carolina 10 (The other 19 are for other Plantations)

A The several Orders of Council (mentioned in the preceding Page) are as follows viz.t

Copy of an Order in Council dated the 26th of May 1738 appointing James Crockat and Edmund Atkins Councellors in

in South Carolina in the Room of Messrs Broughton and Middleton deced

Copy of an Order in Council, dated the 23rd of May 1738 Repealing an Ordinance passed in South Carolina for being contrary to an Act of Georgia for maintaining Peace with the Indians.

Copy of an Order of Council dated the 20th July 1738 directing several Parcels of Land to be granted to Mr Jno Carteright & Co in South Carolina under certain Conditions.

Copy of an Order of Council, dated the 20th of July 1738 approving a Representation of this Board with the Draught of an Instruction to the Govr of South Carolina to pass an Act for settling the Indian Trade

Copy of an Order of Council dated the 20th of July 1738 approving the Draught of an Instruction for the Governments of South Carolina & Georgia about the Indian Trade.

Copy of an Order in Council, dated the 20th of July 1738 approving the Draught of Mr Horsey's Commission for the Govt of South Carolina.

Copy of an Order in Council dated the 31st of July 1738 directing the Attorney and Solicitor General to draw a Special Commission to the Governor of S. Carolina

empowering

empowering him to Erect a Court of Exchequer.

Copy of an Order in Council dated the 21st of July 1738, approving Mr Horsey's Instructions for the Government of South Carolina

Copy of an Order in Council, dated the 21st of July 1738, directing a Supply of Stores of War to be sent to South Carolina.

Copy of an Order in Council, dated the 30th of November 1738 approving a Representation of this Board for Repealing an Act passed in South Carolina in 1731 for drawing Jurors by Ballot.

' ' ' ' ' ' '

14th June 1739

Mr Glen Governor of South Carolina attending and acquainting the Board that he had made several observations upon the Draught of his Instructions, which he was come to communicate to them, and he was desired by their Lordships to put them into writing to be laid before them for their Consideration

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21st June 1739

Mr Glen likewise attending, laid before the Board some observations he had made upon his Instructions and the Board agreed to take them into Consideration the

first

first opportunity, and were pleased to appoint him to attend on Wednesday next.

21st June 1739

Read an Order of the Committee of Council dated June 18th Instant, Ordering the Lords Commrs for Trade and Plantations to write a Letter to the present Commander in Chief of South Carolina, requiring him to adhere strictly to his Instructions in the manner of granting Lands, and that no other Surveys be made than such as are pursuant to his Majestys Orders and Instructions on that head.

Ordered that the Draught of a Letter be accordingly prepared.

22nd June 1739

A Letter to Mr Bull, President of the Council & Commander in Chief of South Carolina, requiring him strictly to adhere to his Instructions as to the manner of Granting Lands in that Province, pursuant to an Order from the Lords of the Committee of Council for Plantation Affairs as prepared and agreed to Yesterday was Signed.

27th June 1729

A Representation to His Majesty enclosing an Additional Instruction to the Governor and Commander in Chief of South Carolina relating to Paper Money in pursuance of an Order in Council dated March 22d 1728/9 and mentioned in the Minutes of June 7th was Signd.

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Mr Glen Governor of South Carolina attending as appointed by the Minutes of the 21st Inst, the Board had some discourse with him, and ordered the Draught of his Instructions to be transcribed.

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28th June 1729

The Board had under Consideration the Petition of Mr Hammerton, Secretary and Register of South Carolina, relating to his claim of Register in that Province, referred to this Board by order of Committee of Council dated July 24th 1728, and read October 4th the same year, and after some discourse had with him then present, postponed the further consideration till to morrow.

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29th June 1729

Mr Hammerton again attending, the Board had some further discourse with him on the Subject mention'd in Yesterday's Minutes, & after some time Spent therein Order'd the Secretary to write a Letr to Mr Sane his Majesty's Council at Law desiring his attendance at this Board on Thursday next.

14th July 1739.

The Draught of a Representation to His Majesty accompanying a Draught of Instructions for James Glen Esqr Governor of South Carolina, as also a Letter to his Grace the Duke of Newcastle enclosing the same were agreed to and Signd

21th July 1739

Mr Hammerton attending with Mr Sharpe his Solicitor on the Subject of his second Petition, mention'd in the Minutes of October 4th 1738, and referred to this by order of the Committee of Council, the Board had some discourse with him, and after some time Spent therein, they withdrew, and the Board Postponed the Consideration of the Affair to another Opportunity.

2nd August 1739

Read

Read an Order of the Lords of the Committee of Council, dated July 31st last referring to this Board Mr Mc Culloh's Memorial, praying that the 15th & 16th Instructions given to him, may be likewise given to the Governors of South and North Carolina and that he may be a Member Extraordinary of the Council in those Provinces, and the Board were pleased to Order that Mr Mc Culloh do attend on Wednesday next

Read an Order of the Lords of the Committee of Council, dated July 31st last, referring to this Board a Memorial of James Glen Esqr Governor of South Carolina (desiring some alterations may be made in the Draught of his General Instructions) and referring back the said Draught to be reconsidered And the said Mr Glen attending, was called in and the Board had some discourse with him on the Subject of his said Memorial, and then he withdrew and the Board agreed to consider upon a Report the first Opportunity

3rd August 1739

The Board had under Consideration Mr Hammertons Petition mentioned in the Minutes of July 31st last, and after some time spent therein ordered the Draught of a

a Report to be prepared.

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The Board having taken into Consideration the Memorial of James Glen Esqr Governor of South Carolina referred to this Board by an Order of the Committee of Council as mentioned in the Minutes of Yesterday Ordered the Draught of a Report to be prepared.

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5th August 1739

Read a Letter to the Secretary from Mr Glen, Governor of South Carolina, praying that he and Mr Ivy, may have the Liberty to attend the Board with M^r McCulloh and Freeman to their making any Report on Mr Hammerton's business, and their Lordships were pleas'd to order that a Letter should be writ to him, desiring his attendance here tomorrow Morning.

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9th August 1739

Mr Glen Govr of South Carolina attending prayed to be heard before a Report upon Mr Hammerton's Petition be made and the Board appointed Wednesday next for the hearing what objections he has to offer.

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Mr Glen likewise having moved for Copys of M^r McCulloh's

Mr Cullohs Memorial referred to this Board, as mentioned in the Minutes of the 2d Instant, and also for Copy of the 10th and 11th Instructions to the said Mr Mc Culloh, as Controller, annexed to the said Memorial, the Board were pleased to give directions that he should have Copies of the same.

10th August 1739

The Draught of a Report upon the Memorial of Mr Glen, Govr of South Carolina, mentioned in the Minutes of the 2nd Inst. was agreed to and Signed.

15th August 1739

Mr Glen Govr of South Carolina & Mr Mc Culloh Controller attending, the Board had some discourse with them on the Subject of Mr Mc Cullohs Memorial referred to this Board by an Order of the Lords of the Committee of Council dated July 31st last and mentioned in the Minutes of the 2d Instant, and Mr Glen having delivered in a Paper with his Objections to the said Memorial, their Lordships took the same into consideration, and Ordered the Draught of a Report to be prepared.

Mr

Mr Glen attending with Mr Hamerton the Board had some discourse with them on the Subject of the Claim of Register of Lands made by Mr Hamerton, and Mr Glen likewise delivered in at the same time a Paper of his objections to the said Claim which was read.

. . . . . .

11th August 1789

Read a Letter from Mr Hamerton to the Secretary, praying the Board to Grant him a Copy of Mr Glens objections mentioned in Yesterdays Minutes to his Claim of the Office of Register of Lands and the Board Ordered him a Copy of the Same.

. . . . . .

30th August 1789

The Draught of a Report upon the Subject of Mr M.c Culloh's Memorial referred to this Board by an Order of the Committee of Council dated July 31st last & mentioned in the Minutes of the 2d Inst. was agreed to & Signed.

. . . . . .

The Draught of a Report upon the Subject of Mr Hamertons Second Petition referred to this Board by an Order of the Committee of Council dated July 27th 1789 and

and mentioned in the Minutes of the 18th of October following was agreed to and Sign'd

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12th September 1729

A Letter to Colo Bull, President of the Council and Commander in Chief of S Carolina in answer to several Letters received from him was agreed to and Sign'd as was also a Letter to Mr Johnson Governr of North Carolina, in answer to Several of his Letters

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12th December 1729

Read a Letter from Colo Bull President of the Council and Commander in Chief of South Carolina dated the 6th October 1729 giving an Account of the present posture of Affairs in that Province with relation to the desertion and rebellion of several Negroes occasioned by a Proclamation published at St Augustine by the Key of Spains Order, promising freedom to all Negroes deserting from the English, signifying also the designs of the French upon some Indians Situate near the Mississippi in Amity with his Majestys Subjects and Trading with the People of Georgia and Virginia

Order'd that a Copy of the said Letter be transmitted to his Grace the Duke of Newcastle for his Information

Information.

13th December 1739

The Letter to the Duke of Newcastle, Order'd by the Minutes of Yesterday, transmitting to His Grace a Copy of One from Colo Bull President of the Council and Commander in Chief of South Carolina to this Board, was agreed to and Signd.

B. P. R. O. A + W I Vol 623.

Whitehall Febr 27th 1738/9

My Lord,

I have received your Graces letter of yesterdays date, transmitting to me a copy of the Address of the House of Lords to the King of the 22nd inst for copys of several Papers, and desiring me to receive His Majestys Pleasure concerning such of them as are in the Council Offices Upon perusing the said Address, I find that only one of the Papers therein mentioned Viz: a Representation of the General Assembly of South Carolina concerning the state of that Province, ever was in the Council Office, which was transmitted thither by your Grace, and was in a few days after referred to the Board of Trade where it still remains

I am with great respect
My Lord
Your Graces
Most Obedient Servant
Wilmington. P.

B.P.R.O. So Carolina B.T. Vol 10 f. 1

(22nd March 1738)

At the Court at St James's
the 22nd March 1738.

Present.

The King's most Excellent Majesty
in Council

Upon reading at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs dated the 15th of this Instant in the words following Virt. —

"In obedience to an Order in Council of the 31st of "January 1736 Referring unto this Committee the humble "Petition of the Merchants of the City of London trading "to South Carolina in behalf of themselves, the Merchants "of Bristol and all the other Merchants of this Kingdom "trading to that Province, complaing of an Act passed "there in May 1736. Entituled An Act for the Stamping "Emitting and making Current the sum of two hundred "and ten thousand pounds in paper Bills of Credit "and for ascertaining and preserving the future value "thereof, to be lett out at Interest on good Security "at Eight pounds p Cent p Ann: and for applying "the said Interest to the purposes therein aforementioned

and

"and for exchanging the Paper Bills of Credit in the
"Province and for making them Less subject to be
"Counterfeited and also to Encourage the Importation
"of Gold and Silver into this Province" And praying
that Your Majesty will be graciously pleased to sig-
nify Your Royal Disapprobation of the said Act
The Lords of the Committee did on the 4th day of
February following take the said Petition into Con-
sideration and being informed that the said Act
was before the Lords Commissioners for Trade and
Plantations. The Committee thought proper to refer
the said Petition to the said Lords Commissioners for
their Opinion; Who have thereupon Reported to this Com-
mittee that they have been attended at different times
by several Merchants and Planters of and Traders to
Carolina, as well as by the Agent of that Province
and having heard what has been offered for and
against the said Act it appeared to them. —

That the General Purport of the Act was Agreeable
to Your Majesty's 21st General Instruction given to Robt
Johnson Esqr late Governor of South Carolina and has
many good Clauses and Provisions in it; But that
there are some particulars to which they have Object-
ions Viz: There is a Clause directing the Treasurer

to

"to Discount or allow 10 P. Cent on all Dutys inwards
"which shall be paid into the Treasury in Silver or
"Gold which is evidently against the Intention of
"the Proclamation published by Her late Majesty Queen
"Anne the 18th of June 1704, which was enacted into
"a Law in 1707. to prevent the drawing Money from
"one Colony to another, by setting an unequal value
"thereupon to the Great Prejudice of Trade. —

There is a Provision in this Act for Creating
"a Security for an Old Debt of £ 100,000 in paper
"Money now current in that Province out of the
"Interest arising by the Loan of £ 110,000 part of the new
"Bills that there is no Clause in it to oblige the
"Borrower to repay any part of the Principal towards
"the sinking of the said Bills which ought to have
"been provided for by gradual Payments annually
"and should have commenced at least upon the
"acquisition of a Sufficient Fund for the Discharge
"of the Old Debt. The said Lords Commissioners there-
"fore proposed that the said Act might lye by
"and that the Governor or Commander in Chief
"of the said Province should be instructed to recommend
"to the Council and Assembly the passing another
"Law for the same purpose not lyable to these Objections.

The

"The Lords of the Committee upon Considering what "is above proposed by the Lords Commissioners for Trade "and Plantations Do humbly Report to Your Majesty "that they agree in Opinion with the said Lords Com "missioners that Your Majesty may be pleased to suffer "the said Act to lye by for the present, And that it "may be Advisable for your Majesty to give an Ins. "truction to the Governor or Commander in Chief of "South Carolina to recommend to the Council and "Assembly to pass another Law for the same purposes "not lyable to the Objections above mentioned".—

His Majesty this Day took the said Report into Consideration and was pleased with the Advice of the Privy Council to approve thereof and to Order as it is hereby Ordered, that the said Act do lie by for the Present: And that the Lords Commission. ers for Trade and Plantations do prepare a Draught of an Additional Instruction to the Governor or Commander in Chief of the Province of South Carolina agreeable to what is proposed in the above Report and lay the same before His Majesty at this Board for his Royal Approbation.

Recd May 24th } 1739
Read Do }

Ja. Vernon.

B.P.R.O. So Carolina B I Vol 10. G 2

The Quit Rent Law passed in South Carolina in 1731 is plainly calculated to defraud His Majesty in the Quit Rents, and to protect such as claim Lands by vertue of fraudelent Graats and likewise those who hold Lands by vertue of Surveys only, therefore if this Law is not repealed it will be attended with the following inconveniencys namely.

1. That all such as hold Lands by vertue of Graats under the Lords Proprietors who are subject to the payment of their Quit rents in Sterling Money, will by this Law be at Liberty to pay their Quit Rents in Proclamation Money, which is Twenty Five ℔ Cent less than Sterling.

2. That all such as have greater Quantitys of Lands than they are entitled to by their Grants (which most of them have) will be at Liberty to hold the Surplus, subject only to the Quit Rents reserved by their Pattents.

3. That several Persons having Lands provisionally Granted to them after the Land Office was shut up, for which they were to pay One penny ℔ acre 'till such time as they purchased the Inheritance from the

the Lords Proprietors, such Claimants will be admitted by the Quit Rent Law to hold their Lands, subject to the Quit Rent of one shilling ℔ 100 Acres.

4. That Several Persons who procured Fraudelent Pattents under the Lords Proprietors have, since His Majesty's Purchase been admitted by the late Governor Johnson to have surveys returned upon the same, which will by the Quit Rent Law entitle them to hold their Lands at One shilling ℔ 100 Acres Quit Rent.

5. That by a clause in the Quit Rent Law, which entitles all Persons, who hold any Messuages, Tenements or Hereditaments whatsoever whether it be by Fee simple, Fee simple Conditional, or for a Term of Years, and all persons claiming under the same, may hold possess and enjoy every such Messuages &c according to the several tenures in such original Grants, and that notwithstanding the Lands Granted and Surveyed, or intended to be Granted and Surveyed by such Pattents, have not been sufficiently described or Ascertained, yet nevertheless any part of the Lands that are Surveyed before this Law takes place, shall be deemed good, and the holders of the said Pattents are to have the Liberty of taking up the said Lands, upon the Conditions

mentioned

mentioned in the Patent, so that if the Quit Rent Law was to be Approved of. the holders of the Blank Pattents (of which there are many yet in being) might at any time within Eighteen months from the time of His Majesty's approving of this Law, take up Lands by virtue of the same.

6. That His Majesty having by His Instructions to the Commissioner of the Quit Rents commanded him in several Instances to Act directly contrary to what the People claim as their Priviledge by Vertue of the Quit Rent Law. It is humbly conceived that if this Law is not repealed, it will be impossible for him to regulate the many abuses, Frauds and Encroachments, that have been carried on in the time of the late Lords Proprietors as well as those that have been practised since His Majestys Purchase.

7. That no ill consequence can attend the Repeal of the Quit Rent Law it is humbly conceived will appear from the following Considerations Namely. —

8. That Governor Archdale's Law dated 16 March 169$\frac{5}{6}$ was never confirmed by the Lords Proprietors appears by the Repeal of the same in the Quit Rent Law, for had that Law been confirmed the Assembly of South Carolina would not have presumed to have Repealed the same.

There

There is also another Law Repealed by the Quit Rent Law Entitled "A Declarity Act concerning the several Acts of this Province repealed"; by which it is Enacted that any Law that has once been Repealed shall not be again in Force upon the Repeal of the Repealing Law; so that if both these Laws should be deemed in Force upon the Repeal of the Quit Rent Law, they are directly opposite to each other, and therefore it is humbly conceived it is in the power of the Judges to determine which of those Laws shall be lookt upon as valid, besides at the time that Governor Archdale's Law was passed all their Contracts were made in Sterling money or what they deemed the value thereof, so that if that Law was to take place at present, it would injure the Planters a great deal more in being obliged to make good their Private Contracts in Trade, upon that Foot, than they can possibly serve themselves by the Payment of the Quit Rents in the manner as there directed, and it is likewise to be observed here that by the Currency Act, the people are willing to pay their Quit Rents in Paper Bills of Credit at Seven for one Exchange which will effectually secure the Crown from any inconveniency that can possibly attend the Repeal of the Quit Rent Law.

Recd
Read } May 30th 1739.

B.P.R.O. So Carolina B.T. Vol 10 f 3.

A Proposal for Coyning a new Paper Currency in South Carolina, and to fix the Quantity, And its Nominal Value, upon a solid and invaryable foundation.

In order to accomplish and make Effectual yᵉ following Plann it will be necessary to settle and ascertain, previously, the Titles to all Lands taken up and claimd in that Province; But it is to be observed that it will be neither an advantage to the Crown nor an Encouragement to the People of that Colony to make such Settlement by Constraint: For if the Settlement of those Titles should be attempted in a Compulsive way there is great reason to believe that such attempts will create much Disturbance and Ill Blood in the Province, and yet not put the Titles in a clearer light, or upon a better foundation, for the benefit of the Crown, than they now are.

When the Titles to Lands are Settled it is propos'd than an Act shall be passed to Stamp 220,000 £ paper Currency, the Value thereof to be fixd at yᵉ Proclamation Standard, and that it shall remain invaryable at that

Standard

Standard till the whole Summe is called in & sunk.

That there may be 120,000 £ of the aforesaid Summe Exchanged for the present old Bills, and to discharge the Debt due thereon, and that ye other 100,000 £ may be lent out at Interest at 8 £ per Cent per Annum for the term of 20 years upon Land Security of double the Summe borrowed.

That the Interest, and 1/20 part of ye Princip.ll of the 100,000 £ lent shall be paid in annually in Gold or Silver, at the Proclamation Value; and the 8 £ p Cent Interest to be applied Annually to ye sinking the 120,000 £ Bills Exchang'd for the old ones, which will Sink that summe and pay all charges which will grow due thereupon, in 20 years; and the 1/20 part of the Principall of the 100,000 £ lent out as aforesaid being paid in annually that may also be lent out at Interest, as it is received in, the produce of which will keep up the sinking Fund to 8000 £ a year, whereby the whole 220,000 £ Bills will be called in and sunk in 20 years, and that method of Payment will at the same time be most easy and agreeable to the Borrower.

By this Plann it is plain that all Paper Currency in that Province may be called in and Sunk

in

in 20 years and by that time it is possible there may not be an necessity for any more being coyned: But yet can so desirable an End be brought about, or reasonably attempted, till ye Titles to all Lands there are previously Settled and ascertained?

Under a Prudent Management in the Province there may be some Improvements set on foot, and Regulations made, by means of this Plann, which will be of singular Service to the Trade of Britain, and the Settlement and Encrease of that Colony.

There are various Reasons to Evince that no other scheme for an new Currency in that Province can be Equally secure to the British Merchants trading there and so advantageous to the Colony; But it is apprehended that most of the British Merchts are against a Paper Currency in any shape and for what reason they dont care to discover; yet tho that is the case with them, and they have a particular Interest in being against it, it is to be hoped that that will not prove a sufficient Reason why the Carolinians should not have a Paper Currency, when it is next to an impossability that the American People can Trade or carry on any Business amongst themselves without it, or something else Substituted in

the

the room thereof, Since they have not a Sufficient quantity of Gold or Silver to serve as a Medium in Trade and Commerce; and to let the American Trade sink or dwindle away 'til presumed will not be so very Eligible for Great Britain.

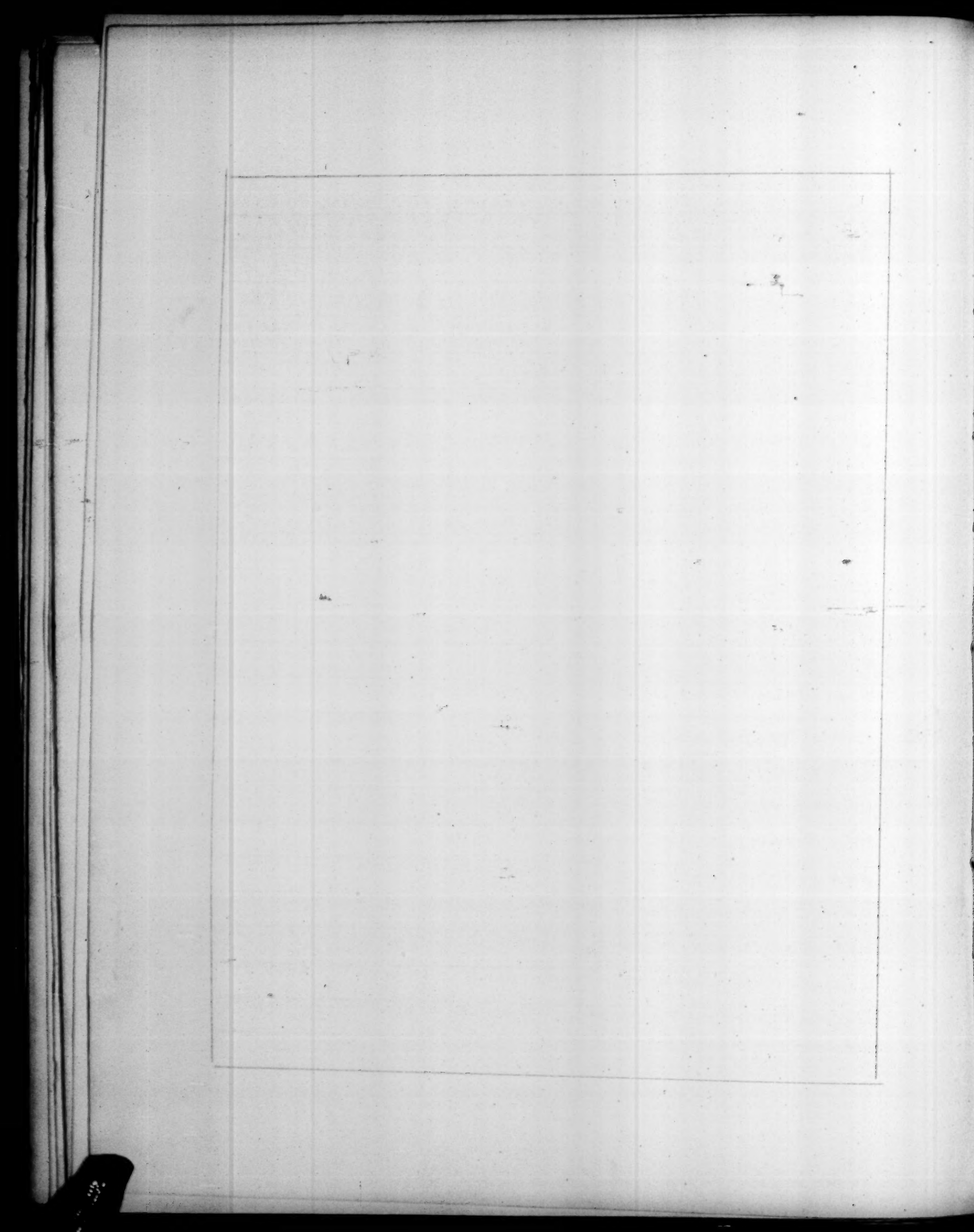
It may be suggested by some that a Paper Currency will be necessary in that Important Colony, but that the Summe proposed will be too much; yet when it is considered that it is the quantity proposed, and not less, which will not only sink all that Currency, but be a means of rendering a further Coynage of that kind unnecessary after 20 years, and for this evident reason, that was there to be but 130,000 £ Currency Struck that Summe would be no more than enough to exchange for the old Bills and pay the Debt due thereon and the Charges wch would necessarily attend the making such an Act, and the new Bills for such a Summe would not be a bit better then the old ones. Since there is no Fund to sink neither the one nor the other, Except such as has been appropriated, at times heretofore: and it is not without reason presumed that a pretext will never be wanting to apply them Funds to other purposes. But if there be 220,000 £ Coyned and 100,000 £ of it

lent

lent out upon the Terms proposed, the Interest which that Summe will bring in and the manner of payeing in the Principall, will be a Sacred Fund to Sink the whole in 20 years at furthest, and thereby make them more Secure and Valuable than any Paper Currency that ever has been in America.

If this Plann is carried into Execution ye dutys laid upon goods Imported, and the other Taxes levyed, will be a clear and an ample Fund to Defray all the Expences of the Civil Government &c and likewise be Sufficient to supply all new Settlers with Provisions, Tools &c. which Encouragement will prove of great Service to the Crown as well as to that Province.

Rec^d^ }
Read } June 6th 1739



B.P.R.O. A-W.I. Vol 623.

Albrohatch 25th April 1739.

My Lord,

I have perused the Draughts of two Articles, intended to be inserted in the ensuing Treaty with Spain, relative to the Boundaries of Carolina, and to our Right of cutting Logwood at Campeachy, which your Grace was pleased to send me, in your letter of the 20th instant, and in obedience to your Commands shall offer you my humble Opinion how far our Pretensions upon those Heads, may be extended, and supported, tho' I shall always distrust my Own Judgement, whenever I propose the least Alteration, in any Paper that comes from your Graces Office.

I beg leave to begin with the Boundaries of Carolina; and shall observe, that if, by the Draught of that Article, it be intended to include the whole 31st Degree of Northern Latitude, I am afraid the Spaniards will never agree to it. Because it is doubtfull whether the Town of St Augustine may not lye some Minutes to the Northward of the 30th Degree, the River of Saint Juan certainly does so according to our best charts; and consequently may

may both of them be included within the 31st Degree of Northern Latitude. By Popples Map which is certified by Mr. Halley to be the most exact now extant, Saint Augustine is placed 10 Minutes, and the River of Saint Juan about 40. to the Northward of the 30th Degree.

I have read Mr. Berelsts Observations upon the Kings Title to Georgia, and his proposal for fixing the Limits between Carolina and Florida. His Vouchers for the first of these Papers, agree perfectly and the short observations, I formerly had the honour to send your Grace upon the same Subject. But in his Proposal for fixing the Limits I beleive he is a little mistaken in his Latitude, & tho he does not carry our Frontiers further then they can be supported, yet he is too specific in his Detail; which may give occasion to many disputes and Delays.

Upon mature consideration therefore I can find no method so effectual, or so well to be supported, both at home and abroad as to couch this Article (as near as may possibly be,) in the Terms of one of the Charters to the Lords Proprietors of Carolina.

Their

Their first Charter (bearing date the 24th day of March in the fifteenth year of King Charles the Second) having recited, that Edward Earl of Clarendon, with other Lords and Gentlemen, had humbly besought the Kings leave, to transport and make an ample Colony of his Subjects in the parts of America not yet cultivated or Planted and only Inhabited by some barbarous People, who have no Knowledge of Almighty God.

Does give Grant and Confirm unto the said Earl of Clarenden &c. their Heirs and Assigns, all that Territory or Tract of Ground, Scituate lying and being within his Dominions in America, extending from the North End of the Island called Lucke Island, which lyeth in the Southern Virginia Seas, and within Six and Thirty Degrees of the Northern Latitude; and to the West as far as the South Seas, and so Southwardly as far as the River of Saint Matthias, which bordereth upon the Coast of Florida, and within One and Thirty Degrees of Northern Latitude and so West in a direct Line as far as the South Seas aforesaid.

By the 2d Charter dated the 30th of June in the 17th year of King Charles the 2d The Bounds of

Carolina

Carolina are extended South and Westward as far as the Degrees of Twenty Nine inclusive Northern Latitude But I confess whenever I have considered the Limits fixed by the first Charter, (as bordering upon Florida) and connected with the Words of its Preamble, Viz^t In the parts of America not yet Cultivated and Planted, and only Inhabited by some barbarous People, who have no knowledge of almighty God, I could never conceive, why the Lords Proprietors should have so much weakened their own Title, as to take in the whole 29th Degree of Northern Latitude within their Boundary.

One cast of an Eye upon the Map might easily have convinced them, that such a Boundary did not only include the Town of Saint Augustine, then inhabited by the Spaniards but likewise the whole Northern Coast of the Bay of Mexico, where the Missipi, and many other great Rivers, discharge themselves into that Bay, and where the Spaniards had at that time, and the French have since made many Settlements.

This second Boundary then, can never be maintained, but the first may; and I think I could undertake to defend it, in case the Spaniards should

dispute

dispute that Point with Us. It is therefore from the first Charter, that I would draw the Article. But considering the Course of Rivers is uncertain, and that there is almost always some Variation in Point of Latitude, from their first Source, to the place where they flow into the Sea, considering also that some Geographers direct the course of the River Saint Matthias from its Mouth, North West, and others South West; to avoid all ambiguity, I would propose our Boundarys might be fixed where the River empties itself into the Ocean. This I apprehend might be attained by the following sketch, or some other to the like effect, which would cause no great Alteration in the Office draught, and would be perfectly agreeable to the sense and almost to the very Words, of the first Charter to the Lords Proprietors of this Province Viz.t

That the Limits of Carolina, wherein the Colony of Georgia is comprehended, do extend as far as the River of St. Matthias, which bordereth upon the Coast of Florida, where the said River discharges itself into the Ocean, and is within One and Thirty Degrees of Northern Latitude.

I am the rather inclined to this Boundary because

because the River of Saint Matthias, or Saint Matheo which is the same thing, is likewise the Limit fix'd by King Charles the First's Charter to Sir Robert Heath, in his Carolana Florida. But neither does this Charter, (nor that from which I form the Article) include the whole 31st Degree of Northern Latitude they both use the words within Thirty one Degrees which can be construed to take in such part only, of that Degree, as serves to carry them to the River of Saint Matheo. Here therefore I would stop: for how desirous soever your Grace, or I, may be to extend the British Dominions in America; yet I apprehend the best way of asserting Our Rights is to carry it no farther, then our Vouchers will support us.

This however is intirely submitted to your Graces better Judgement, and particularly whether the Words which bordereth upon the Coast of Florida should be inserted or omitted; but I confess upon reading the Charter, they struck me, as if they had been propheticallly inserted so many years ago to decide the present Dispute at home (tho' perhaps not abroad) and to let us know, by authority of the Great Seal, where the Frontiers of Florida begin.

I

I have dwelt a great while upon this Article the nature of the thing required that I should do so; and therefore I shall hope for your Grace's Pardon. To make amends I will be shorter upon the Logwood. To speak truth there is but little to be said upon the Subject. The Report of the Board of Trade of the 25th of Sept.r 1717. has carried this Pretension as far as our utmost enquirys could push it; and it concludes the whole as the draught of your Article has done with the words of the Treaty of Utrecht.

If our Peacemakers at that time had been more explicit, they might have worded this matter so as to have left no room for Dispute; but, unhappily for us, they have contented themselves with an ambiguous Proviso, applicable to every case in General, but to no one case in particular for they have not even named the Right of Cutting Logwood in the whole article. And Posterity will be at a loss to know what was intended by it.

I am very sorry they have left us no better ground to fight upon. For I freely confess that since the Report of the Board of Trade, having considered Sr William Godolphins Letter, of which I sent

sent your Grace a Copy sometime the last year, and likewise some other Letters written by him, that are printed with his Negociations in Spain. I am far from being so clear in this Pretension as I was formerly. However I think the Draught of the Article prepared in your Graces Office has stated this Demand in as strong a light, as can possibly be done; and therefore I would only offer you a very small variation in the Diction; Submitting whether it might not run in the following terms Viz.t —

It is agreed, that the Subjects of Great Britain shall enjoy the same Liberty of cutting Logwood in the Bay of Campeachy, which they had, or did enjoy, during the Reign of His Catholick Majesty King Charles the Second, either by Right, Sufferance or Indulgence, agreeably to the Reservation, or saving Clause, inserted for that purpose, in the first Article of the Treaty of Commerce, concluded between the Two Crowns at Utrecht in 1713.

Your Grace may be pleased to observe that I have made use of the word Liberty, rather then Right or Priviledge, to render this Article more

conformable

conformable to the Treaty of Utrecht – If any Protocol of that Treaty could be found something might be gathered from it to enforce this Pretension. But I presume the Queens Ministers swept the Offices pretty clean of Papers, when they retired for fear of leaving bad vouchers of their Conduct behind them.

These my Lord are my private thoughts upon the Points, wherein you was pleased to demand my Opinion; I have given them without reserve, and heartily wish they may be of any use to my Country, whose Interest your Grace has so constantly persu'd with unalterable Zeal

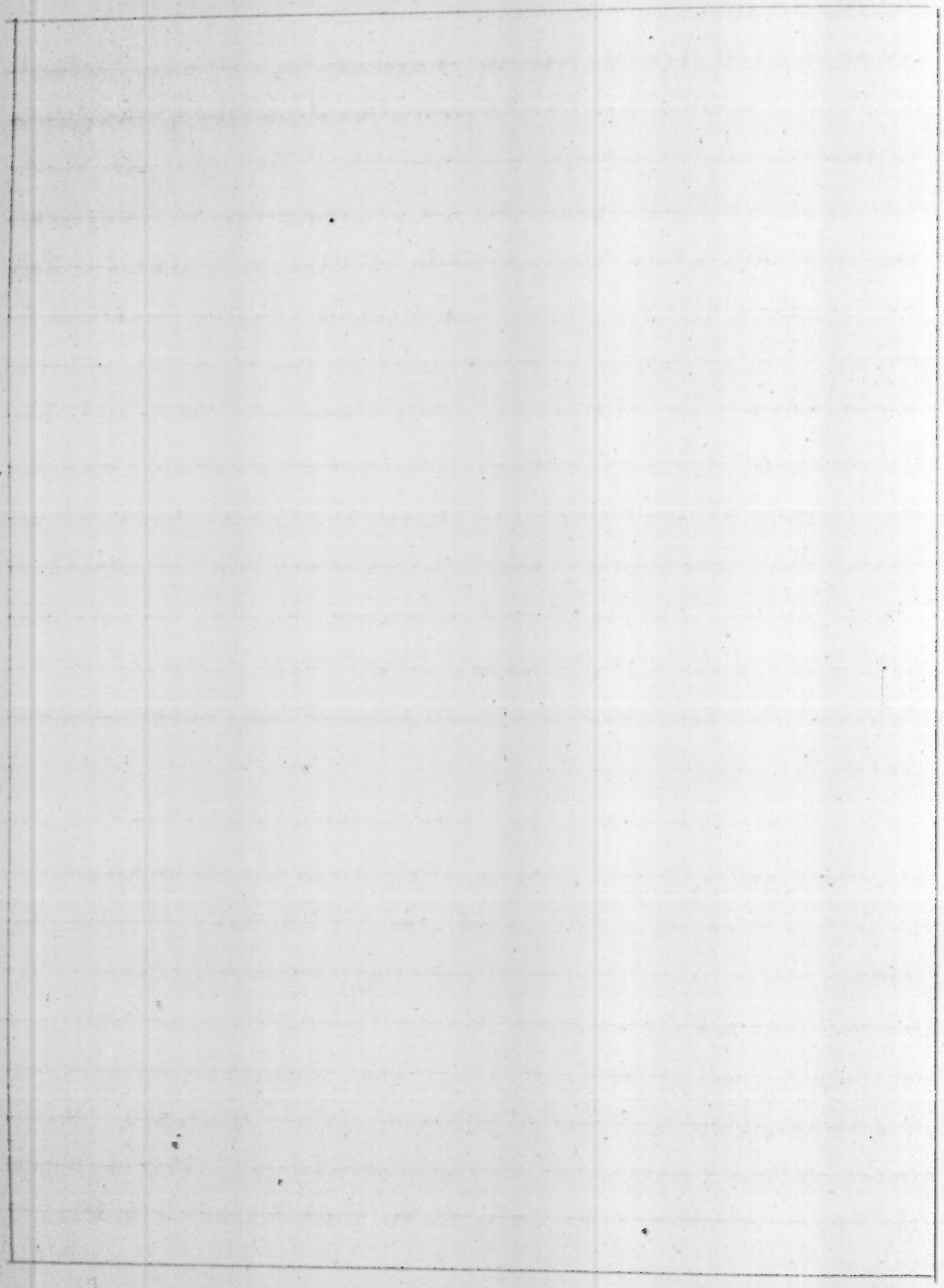
I have the Honour to be with all possible truth and Respect

My Lord

Your Graces most Obedient
and most humble Servant
Martin Bladen

Lord Duke of Newcastle

&c &c.



B.P.R.O. A + W.I. Vol. 19 page 94.

South Carolina the 9th May 1739.

My Lord,

I beg leave to lay before your Grace an Affair, which may greatly distress if not entirely ruin this His Majesty's Province of South Carolina.

His Catholick Majesty's Edict having been published at St Augustine declaring Freedom to all Negroes, and other slaves, that shall Desert from the English Colonies, Has occasioned several Parties to desert from this Province both by Land and Water, which notwithstanding They were pursued by the People of Carolina as well as the Indians, & People in Georgia, by General Oglethorpes Directions, have been able to make their escape.

To prevent the like attempts, as far as was in the Power of this Government Deputys have been sent to St Augustine, to demand the restitution of these Deserters pursuant to an Agreement formerly entered into by this Government, and that of St Augustine to return mutually all Slaves which should desert from either Province, but on this occasion it was refused, the present Governor of St Augustine acquainting the Deputys that he could not comply with that Demand, untill

His

His Catholick Majesty should think fit to revoke that Edict.

This Answer has occasioned great dissatisfaction & Concern to the Inhabitants of this Province, to find their property now become so very precarious and Uncertain And that their Negroes which were their chief support may in little time become their Enemies, if not their Masters, and that this Government is unable to withstand or prevent it, Therefore I have presumed as I have the Honour to be entrusted with the Administration of this Government, to acquaint your Grace with this affair, which will soon be Represented and layd before His Most Sacred Majesty and hope that this Province on this Occasion, may have the Continuance of your powerfull assistance.

I am

your Graces

Most Obedient and

most humble Servant

Wm Bull.

To His Grace the Duke of Newcastle.

B. P. R O. So Carolina B I. vol. 10. G. 4.

(8th June 1739)

To the Right Honble The Lords Commissioners for Trade and Plantations.

My Lords

In obedience to your Lordships Commands signified to me by Mr Hill I have considered the case of Mr Hammerton relating to his Claim of the Office of Register of the Province of South Carolina and I beg leave to say, that I think he is well Entituled to it by Vertue of his Grant from the Crown and notwithstanding there does not appear to be any Commission of Register granted by the Lords Proprietors till the year 1700, yet as the Acts of 1694 + 1698 have directed what is to be done by such an Officer I think therefore it appears to be an Antient Office and held and exercised by the Secretary during the Lords Proprietors time and by the Acts of 1694 + 1698 It was his Duty to register all Patents and Grants for Lands Sales, Conveyances and Mortgages of Lands and all other writings that were required to be registered.

By the Grant of the Lords Proprietors to Mr Bertie

Bertie in 1725. He is empowered to do and perform not only the particular matters and things therein mentioned but also all other acts usually done by the former Secretaries. The present Grant to Mr Hammerton pursues the very words of Mr Bertie's Grant as to the description of the Offices, and empowers the Grantee not only to do and perform the several matters and things therein particularly Specified, but also all other Acts usually done by the former Secretaries, and it appears by the papers referred to me, that the whole business of Register and Secretary was Exercised by the Secretary without any molestation from 1700 till Mr Johnson was appointed in 1733. This being the case, I think Mr Hammerton is Entituled to hold and enjoy his Grant in as full an Extent as any of his Predecessors have done in the time of the Lords Proprietors.

which is humbly submitted by

8d June 1739.

My Lords

Your Lordships most

Obedient Servant

Fran: Fane.

Rect June 8d
Read do } 1739

B.P.R.O. So Carolina B.T. Vol 11. f. 140

(12 June 1739.)

At the Court at Kensington
the 12th day of June 1739
Present
The King's most Excellent Majesty
in Council

Upon reading at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs dated the 11 of that Month in the Words following viz.t

"Your Majesty having been pleased by your Order "in Council of the 21st of December last to refer "unto this Committee a Representation of the "Lords Commissioners for Trade and Plantations "upon a Draught of a Commission for James "Glenn Esqr. to be Governor in Chief and Lieuten- "ant General in and over the Province of South "Carolina. The Lords of the Committee in Obedience "to Your Majestys said order of Reference did on "the 12th of January last take the said Representation "and Draught of a Commission into their Consider- "ation, and Mr. Glenn having presented a Petition "to their Lordships praying that the stile of the

"said

said Commission might be made agreeable to the stile given by Your Majestys Commissioners to the former Governors of this Province and to all other your Majestys Governors in America Provided the same could be done consistent with the Commission lately given by Your Majesty to James Oglethorpe Esqr General of the Forces in the said Province of South Carolina and also of Georgia. Their Lordships therefore thought proper to Referr the said Draught of a Commission together with the said Petition of Mr Glenn to Your Majestys Attorney and Sollicitor General for their Opinion thereupon, who have Reported to this Committee, that there being in the Body of the said Draught of Mr Glenns Commission an Express Clause that the same shall not interfere with or Derogate from the Powers and Authoritys Granted by Your Majesty to the said General Oglethorpe, whom Your Majesty hath appointed General and Commander in Chief of Your Majestys Forces in the Province of South Carolina and Georgia, and the usual stile in the Patents to Governors of Carolina and the other Plantations being that of Captain General and not Lieutenant General there is no Occasion

to

"to vary the stile on Account of Mr Oglethorpe Com-
:mission - Whereupon the Lords of the Committee
"thought proper to direct a Copy of the said Opin-
:ion of Your Majestys Attorney and Sollicitor Gen-
:eral to be given to Mr Fury Agent to General
"Oglethorpes Regiment, and Mr Fury having pre-
:sented to this Committee some Observations there-
:upon — Their Lordships transmitted the same to
"your Majestys said Attorney and Sollicitor General,
"Who have thereupon certified to this Committee
"that they have reconsidered this Affair, and been
"attended by Mr Glen and Mr Fury and that
"nothing had been offered that could warrant
"their departing from the Opinion contained in
"their former Report. Upon consideration where-
:of, the Lords of the Committee do agree humbly
"to Report to your Majesty that the stile of this
"Commission to be given to Mr Glean may be the
"same with that given to all the other Governors
"in America; and to that End their Lordships there-
:fore propose that the word (Lieutenant) may be
"left out and the word (Captain) inserted instead
"thereof the other parts of the Commission appearing
"to be the same with those given to the last Governor

of

of that Province Their Lordships have no Objection to your Majestys Approving thereof.

His Majesty this Day took the same into his Consideration, and was pleased with the Advice of his Privy Council to approve of the said Draught of a Commission, together with the Alteration proposed to be made therein by the said Report; and His Majesty doth therefore Order as it is hereby Ordered, that his Grace the Duke of Newcastle One of His Majestys Principal Secretarys of State, Do cause a Warrant to be prepared for His Majesty's Royal Signature in Order to pass the said Draught of a Commission with the said Alteration under the great Seal of Great Britain.

A true Copy
W. Sharpe.

Rec^d Septr 22^d
Read October 16th } 1740

B.P.R.O. A & W.I. Vol 19 p. 95.

Whitehall June 15. 1739.

Mr Oglethorpe Sir,

As it was stipulated by the Convention concluded between His Majesty and the King of Spain on the 14th of Jan'y last N.S. That the sum of Ninety five thousand Pounds sterling should be paid at London, within the Term of four Months, to be reckon'd from the Day of the Exchange of the Ratifications of the said Convention, as a Ballance due, on the part of Spain, to the Crown and Subjects of Great Britain; and as the said Term of four months from the Exchange of the Ratifications of the Convention did expire on the Twenty fifth day of may last, and the Payment of the said Sum of Ninety five thousand Pounds, agreed by the said Convention has not been made, according to the Stipulation for that purpose by which means the Convention above mentioned has been manifestly violated and broken and his Majesty's Subjects remain without any Satisfaction or Reparation for the many great and grevious losses sustained by them, his Majesty has thought himself obliged to take such Measures, on his part, as are necessary for the support of the Honour

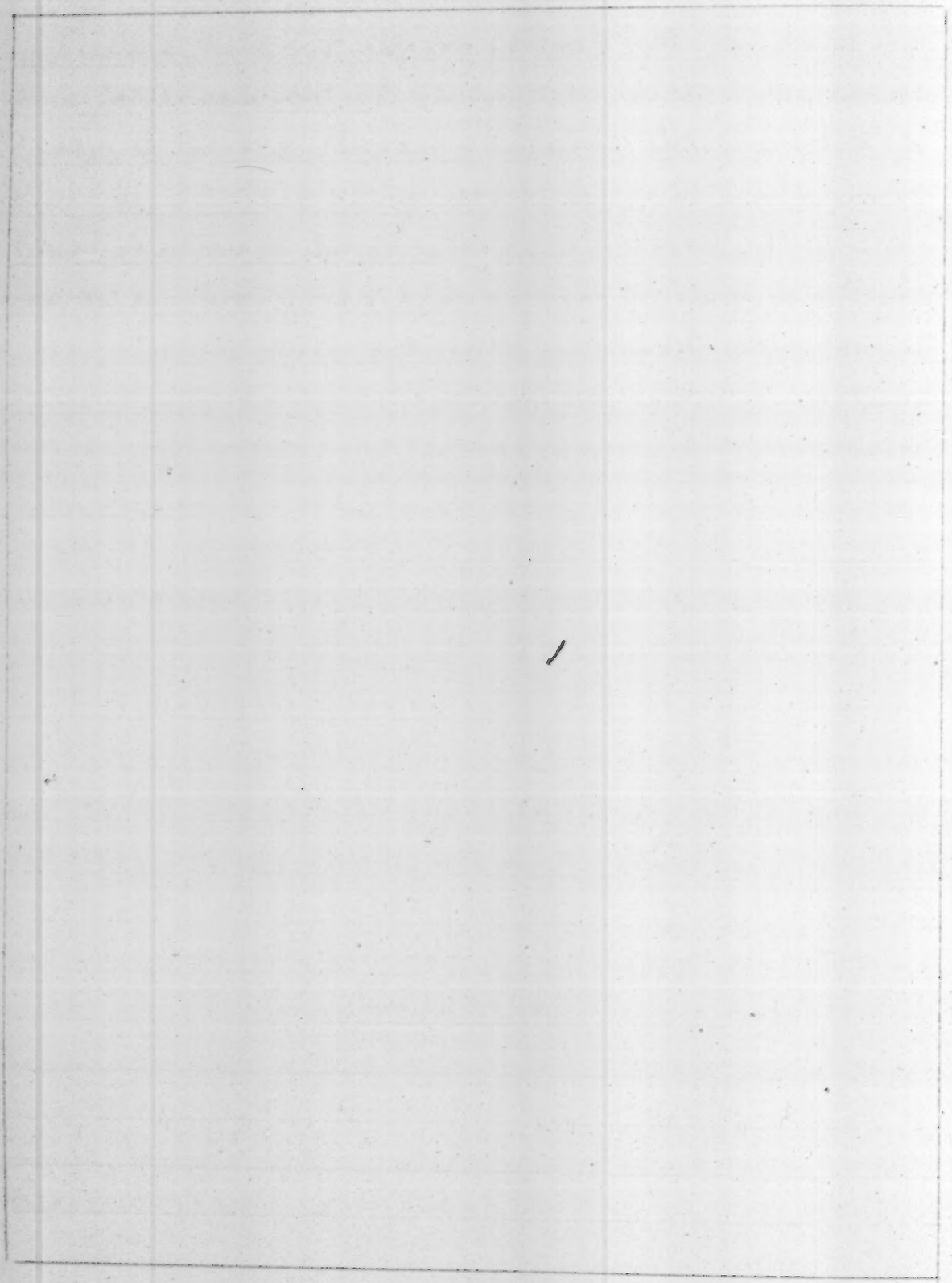
Honour & Dignity of His Crown, the Security of the just Rights of his Subjects, and the Good and Safety of His Dominions, and has therefore ordered the Ships and Effects of the King of Spain and His Subjects to be seized and taken wherever they shall be met with with which I am commanded to acquaint you, that you may cause the same to be made known to all His Majestys Subjects in Georgia, that they may be upon their Guard to prevent any mischief they might otherwise suffer from the Spaniards, in revenge for the Measures which His Majesty is obliged to take to do Himself and His Subjects justice, and that they may in their several Stations, annoy the Subjects of Spain in the best manner they are able And you will put yourself into as good a Posture of Defence as possible to oppose any attempts that may be made against Georgia by the Spaniards, taking care to get the earliest Intelligence you can of their Designs and as the King thinks they may possibly make some attempt upon Georgia or Carolina, His Majesty has been pleased to order a sufficient number of Ships for the Defence of those Colonies; you will therefore should you discover that any preparations

are

are making by the Spaniards for that purpose, give forthwith notice thereof to the Commander of such of His Majesty's Ships as may be nearest to you, that they may come to your assistance and you will likewise, at the same time, acquaint the Governor of Virginia and Carolina therewith, who have His Majesty's directions to give you any assistance that may be in their power.

I am &c

Holles Newcastle

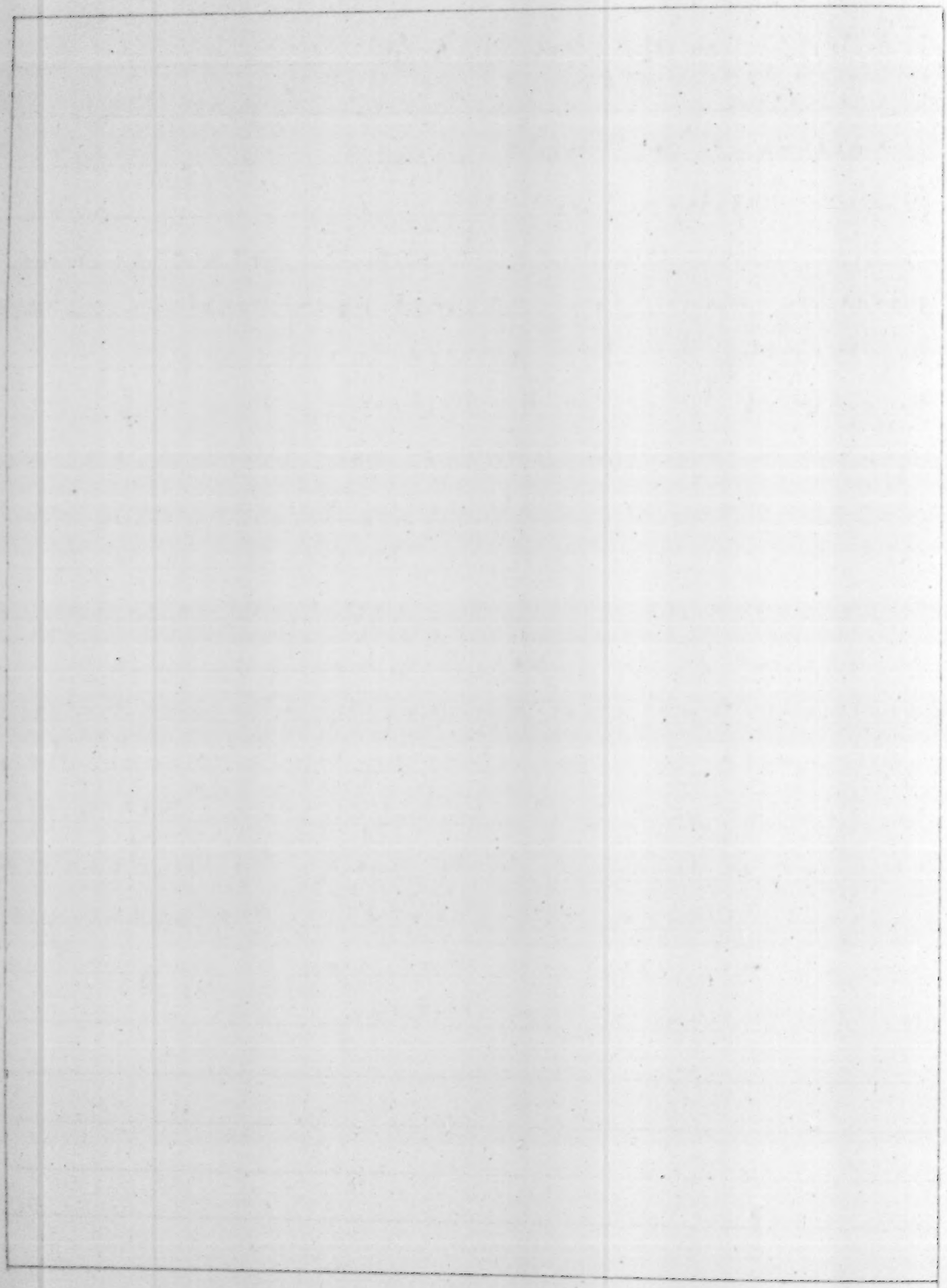


B.P.R.O. A & W.I. Vol. 19. p. 96.

(15 June 1739)

Addition to the Governor
of South Carolina June 15. 1739

As the King thinkes, the Spaniards may possibly make some attempt upon Carolina, or Georgia His Majesty has been pleased to order a sufficient Number of Ships for the Defence of those Colonies. You will therefore, should you discover that any Preparations are making by the Spaniards for that purpose, give forthwith notice thereof to the Commander of such of His Majestys Ships, as may be nearest to You, That they may come to your Assistance. And it is His Majestys pleasure, that if you should be acquainted by Mr Oglethorpe, that he has received certain Intelligence, that an attempt is designed to be made, by the Spaniards against Georgia, you should in that case give him all the Assistance, that may be in your Power for the Defence of that Colony.



B.P.R.O. So Carolina B T Vol 10. F 15

(18 June 1739)

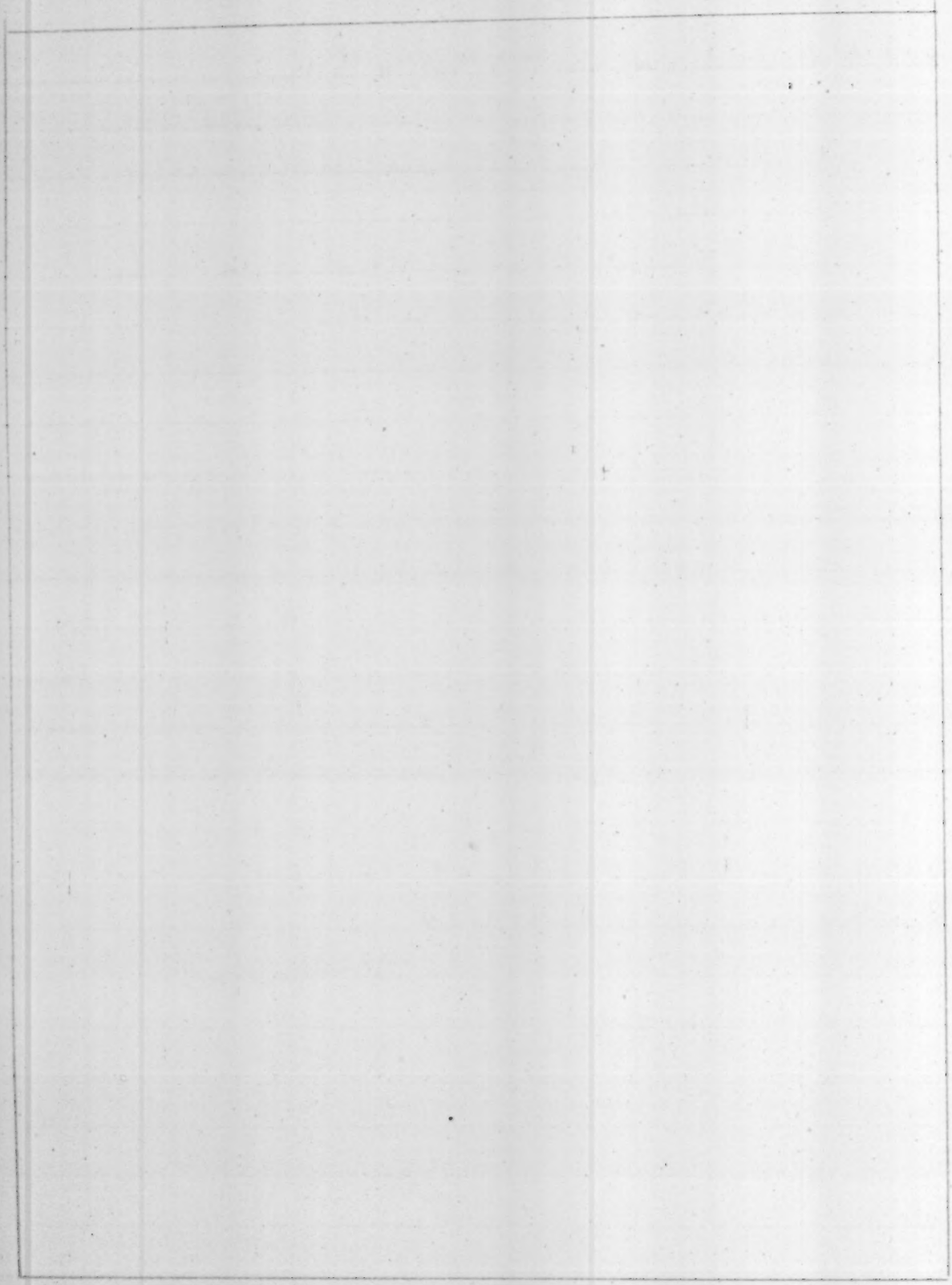
At the Council Chamber Whitehall
the 18th of June 1739.

By the Right Honourable the Lords of the
Committee of Council for Plantation Affairs

The Lords of the Committee of Council being informed, that the Instructions given to the Governor of South Carolina relating to his making Grants of Lands in that Province, have not been strictly observed; do therefore hereby Order, that the Lords Commissioners for Trade and Plantations do write to the present Commander in Chief of that Province by the first ship requiring him strictly to adhere to his Instructions in the manner of granting Lands, and to take care that no other Surveys be made than such as are pursuant to the Orders and Instructions given by His Majesty upon that head

W. Sharpe

Recd June ye 21st
Read do } 1739



B P R O. So Carolina B T Vol 10. G 16

Mr Glen's Observations on the Straight of his Instructions

Recd
Read } June 21st 1739

(This Paper misLaid)

2re If not return'd to ye Govr
v. next Papr G. 17

B.P.R.O. S. Carolina B.T. Vol. 26 p 328

(22 June 1739)

To William Bull Esqr
President of the Council & Commander in
Chief of South Carolina

Sir,

The Lords of the Committee of Council being inform-
ed that the Instructions given to the Governor of South
Carolina relating to his making Grants of Lands
in that Province have not been strictly Observed
have ordered us to write to you, the present Commander
in Chief of that Province, to require you strictly to
adhere to your Instructions in the manner of Grant-
ing Lands and to take care that no other Surveys
be made than such as are pursuant to the Orders
and Instructions given by his Majesty upon that
head. So we bed you heartily farewell, and are

Your very loving Friends
and humble Servants

Whitehall
June 22d 1739.

Monson
Edw Ashe.
M Bladen.
R. Plumer.

B.P.R.O. So Carolina B.T. Vol. 10 G.25.

Charles Town the 25th June 1739.

My Lords,

I beg leave to acquaint your Lordships that Mr Secretary Hammerton being absent from this Province, Mr Michie the person deputed by him to execute the business in the Secretarys Office, re-signed his deputation to me, Alledging that his trouble therein was so much increased that the allowance made him by Mr Hammerton was not a sufficient Recompence for his services, and as he was a person well Qualifyed & acquainted with the business of that Office I have in obedience to his Majestys Instructions filled up that vacancy by appointing the said Mr Michie to be Secretary during the Absence of Mr Hammerton or till he shall Depute some other person for that purpose, and have also taken a Bond with Security to account with Mr Hammerton for a Moyety of the Profits.

And at the same time I take the Liberty to lay before your Lordships an Account of the Dutys arising from the Different Branches of Trade carried on in this Province from the 29th day of March 1735 to the 29th day of September 1737 Which have been

applyed

applyed to several good uses vizt to the maintaining of the Clergy, the repairing & enlarging the Fortifications and other necessary purposes. But that Branch of the dutys which is payd on the importation of Negroes and is the most considerable, is applyed to the settling new comers in laying out Lands & purchasing Tools & provision for them. This has been a great advantage to South Carolina by increasing our Strength, and will in a Little time be considerable Addition to that growing Revenue arising to his Majesty by the Quit Rent in Land. I am with the greatest respect

My Lords

Your Lordship's

Most obedient & most

humble Servant

Wm Bull

To the Right Honble the
Lords of Trade

Rec^d Sept 12th
Read Oct. 23rd } 1739

B.P.R.O. So Carolina B.T. Vol. 10. G. 26

An Account of the Duties arising from the Different Branches of Trade carryed on in the Province of So Carolina from ye 29th of March, to ye 29th of Sept. 1737.

Recd with Presidt Bulls Lett.
of ye 25th June 1739

Recd Sept. 12th
Read Oct. 23rd } 1739

With the Great Seal of the Province } annexed.

N.B. I have not thought it advisable to have this "Account" copied - It consists of 95 pages

B.P.R.O. S. Carolina B.T. Vol 26 p. 330

(28th June 1739.)

To the King's most Excellent Majesty.

May it please your Majesty

In obedience to your Majesty's Commands signified to Us, by your Order in Council of the 22nd of March last, We have prepared the Draught of an Additional Instruction for your Majesty's Governor of South Carolina, to recommend to the Council and Assembly of that Province to pass "an Act for "stamping, emitting and making current the sum of "Two hundred and Ten thousand Pounds in Paper "Bills of Credit, and for ascertaining & preserving "the future Value thereof, to be let at Interest on good "Security at 8 ℔ Cent ℔ Annum And for applying the "said Interest to the purposes hereinafter mentioned "and for exchanging the Paper Bills of Credit in this "Province, and for making them less subject to be "counterfeited and also to encourage the Importation "of Silver and Gold Coin into this Province"; not lyable to the Objections contained in your Majesty's said Order and humbly take leave to lay the same before your Majesty for your Royal Approbation

Whitehall
June 28th 1739.

Which is most humbly submitted

Monson

Monson
R. Plumer
Ja. Brudenell
M. Bladen

Additional Instruction
to our Trusty and Welbeloved Wm Bull Esq.
President of Our Council and Commander in
-chief of Our Province of South Carolina or to
the Commander in Chief of Our said Pro-
-vince for the time being Given at our Court
at Kensington.

Whereas an Act was passed in the Assembly of Our Province of South Carolina in May 1736 Entituled an Act for Stamping Emitting and making Current the Sum of £210,000 in Paper Bills of Credit, and for ascertaining and preserving the future value thereof to be let at Interest on good Security at 8^{l} $\frac{p}{c}$ cent $\frac{p}{a}$ annum, and for applying the said Interest to the purposes hereinafter mentioned and for Exchanging the Paper Bills of Credit in this Province; and for making them less subject to be Counterfeited and also to encourage the Importation of Silver and Gold Coin into this Province."

Which

Which Act has been considered by Our Commissioners for Trade and Plantations who made a Report thereupon to a Committee of Our Council and the said Committee having reported to Us that the Purport of the said Act is agreeable to Our 21st Instruction given to Robert Johnson Esqr late Governor of Our said Province and that the same has many good Clauses and Provisions in it: But that there is a Clause directing the Treasurer to discount or allow 10 ℔ Cent on all Duties inwards which shall be paid into the Treasury in Silver or Gold which is evidently against the Intention of the Proclamation published by Her late Majesty Queen Anne on the 18th of June 1704 which was enacted into a Law in 1707 to prevent the Drawing Money from one Colony to another by setting an unequal value thereupon to the great Prejudice of Trade and likewise that there is a Provision in the said Act for creating a Security for an old Debt of £100,000 in Paper Money now Current in that Province out of the Interest arising by the Loan of £110,000 part of the new Bills; But that there is no Clause in it to Oblige the Borrowers to repay any part of the Principal towards the Sinking of the said Bills which ought to have been provided for by gradual Payments

annually

annually and should have commenced at least upon the Acquisition of a sufficient Fund for the Discharge of the old Debt.

We have taken the said Report into Our Royal Consideration and do approve thereof and it is Our Will and Pleasure that you do recommend to the Council & Assembly of the said Province to pass another Act for the same purpose not liyable to the aforementioned Objections taking care however that a clause agreeable to Our 21st Instruction be therein inserted to prevent the said Law from taking effect until Our Royal Pleasure shall be known thereupon.

B.P.R.O. So Carolina B.T. Vol. 26 p. 334.

(19th July 1739.)

To his Grace the Duke of Newcastle

My Lord

Having prepared a Draught of General Instructions, as likewise of those which relate to the Acts of Trade & Navigation for James Glen Esqr whom his Majesty has been pleased to appoint Governor of South Carolina, We take leave to inclose the said Draughts to your Grace, together with Our Representation thereupon, and to desire Your Grace will please to lay them before His Majesty.

We are

My Lord

Your Graces

most Obedient and

most humble Servts

Monson

M Bladen

Ja Brudenell

R Plumer

Whitehall
July 19th 1739

Jo

To the King's most Excellent Majesty

May it please your Majesty.

In obedience to your Majesty's Commands signify'd to Us by his Grace the Duke of Newcastle's Letter of the 11th of November 1738 We have prepared the Draught of General Instructions, as also of such Instructions as relate to the Acts of Trade and Navigation for James Glenn Esqr whom your Majesty has been pleased to appoint Governor of the Province of South Carolina, in America, in the same Manner as they were prepared for the late Governor Horsey*, in which we have made no alterations or Omissions excepting that we have omitted the 13th Article directing the Governor to take care that the Salaries or pay of the Assembly men should be reduced, if they were found too high; we having been since informed that the Assembly men in that Province have no Salaries or Pay: And We have also altered the 100th Article relating to Paper Money in pursuance of your Majesty's Order in Council of the 23d March 1738/9

The Draught of Instructions relating to the Acts of Trade & Navigation is the same as your Majesty has already approved to other your Majesty's Governors in America.

All

* The Instructions to Govr Horsey cannot be found, therefore I have thought it necessary to have Govr Glenn's copied in full

all which is most humbly submitted

Monson
M Bladen
Ja. Brudenell
R. Plumer

Whitehall
July 19th 1739

Instructions

Instructions to Our Trusty and Welbeloved James Glenn Esqr Our Governor in Chief and Lieut General in and over Our Province of South Carolina in America.

Given

First. With these Our Instructions you will receive Our Commission under Our Great Seal of Great Britain constituting your Our Governor in Chief and Lieutenant General in and over Our Province and Territory of South Carolina in America, You are therefore to fit your self with all convenient Speed and to repair to Our said Province of South Carolina, and being arrived there, you are to take upon you the Execution of the Place and Trust We have reposed in you and forthwith to call together the Members of Our Council in that Province vizt. William Bull, Alexander Skene, James Kinlock, Robert Wright, John Fenwick, Joseph Wragg, Thomas Waring John Hammerton, John Colleton, John Braithwaite, James Crockat and Edmund Atkings Esqr. As also the Surveyor General of Our Customs in the Southern District of Our Dominions in America and the Surveyor General of Our Customs in the said district for the time being shall be admitted to sit and

Vote

Vote in the Council as a Councillor Extraordinary.
2d You are with all due and usual Solemnity to cause Our said Commission to be read and Published at the said Meeting of Our Council which being done you shall then take, and also administer unto each of the Members of Our said Council the Oaths mentioned in An Act passed in the first year of his late Majesty Our Royal Father's Reign Entituled "An Act for the further "Security of His Majestys Person and Government and "the Succession of the Crown in the Heirs of the late "Princess Sophia being Protestants and for extinguishing the Hopes of the Pretended Prince of Wales and his open and Secret Abettors, as also make and subscribe and cause the Members of Our said Council to make and subscribe the Declaration mentioned in an Act of Parliament made in the 25th Year of the Reign of King Charles the 2d Entituled "An Act "for preventing dangers which may happen from "Popish Recusants" And you and every of them are likewise to take an Oath for the due Execution of Your and their Places and Trusts with regard to Your and their Equal and Impartial Administration of Justice. And you are also to take the

Oath

Oath required to be taken by Governors of Plantations to do their utmost that the Laws relating to the Plantations be observed.

3d you are forthwith to communicate unto Our said Council such and so many of these Instructions wherein their advice and Consent are required as likewise all such others from time to time as you shall find convenient for Our service to be imparted to them.

4th You are to permit the Members of Our said Council to have and enjoy freedom of Debate and Vote in all affairs of Publick concern that may be debated in Council.

5th And although by Our Commission aforesaid We have thought fit to direct that any three of Our Council make a Quorum, It is nevertheless Our Will & Pleasure that you do not Act with a Quorum of less than five members unless upon Emergencies when a greater Number cannot conveniently be had.

6th And that we may be always informed of the Names and Characters of persons fit to supply the Vacancies which shall happen in Our said Council you are to transmit unto Us by one of Our Prin-

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cipal Secretaries of State and to Our Commissioners for Trade and Plantations with all convenient Speed the Names & Characters of twelve Persons whom you shall esteem the best Qualified for that trust; and so from time to time when any of the persons by you nominated shall either be sworn into Our said Council, Dye or depart out of our said Province or become unfit, you are to Nominate so many other persons in their stead that the list of twelve persons fit to supply the said Vacancies may be always compleat

7. Whereas by Our Commission to You, you are Empowered in case of the death or absence of any of Our Council of the said Province to fill up the Vacancies in the said Council to the Number of Seven and no more: You are from time to time to send unto us as aforesaid, and to Our Commissioners for Trade and Plantations the Names and Qualities of any Members by you put into the said Council by the first conveniency after your so doing.

8. And in the Choice and Nomination of the Members of Our said Council, as also of the Judges, Assistants, Justices of the Peace and other Officers of Justice you are always to take care that they be

be Men of good Life & well affected to Our Governmt & of good Estates & Abilities and not necessitous Persons.

9. You are neither to Augment nor diminish the Number of Our said Council as it is hereby Established, nor to suspend any of the Members thereof without good and sufficient cause, nor without the consent of the Majority of the said Council. And in case of the Suspension of any of them, You are to cause your reasons for so doing together with the charges and Proofs against the said Persons and their answers thereunto to be duly entered upon the Council Books, and forthwith to transmit Copies thereof to us as aforesaid, and to Our Commissioners for Trade and Plantations. Nevertheless if it should happen that you should have reason for suspending of any Councillor not fit to be communicated to the Council, you may in that case suspend such Person without their consent. But you are thereupon immediately to send to us by One of Our Principal Secretarys of State, and to Our Commissioners for Trade and Plantations an Account thereof, with your Reasons for such Suspension, as also for not communicating the same to the Council,

and

and Duplicates thereof by the next Opportunity.

10. You are to signify Our Pleasure unto the Members of Our said Council, that if any of them shall hereafter absent themselves from our said Province and continue Absent above the space of twelve Months, without Leave from you, or from the Commander in Chief of the said Province for the time being first obtained under your or his Hand and Seal, or shall remain absent for the space of two years successively without our leave given them under Our Royal Signature, their place or places in the said Council shall immediately thereupon become void; and that we will forthwith appoint others in their stead.

11. And whereas we are sensible that effectual care ought to be taken to Oblige the Members of our said Council to a due attendance therein, in order to prevent the many inconveniencies that may happen for want of a Quorum of the Council to transact Business as Occasion may require It is Our Will & Pleasure, that if any of the Members of Our said Council residing in the Province shall hereafter wilfully absent themselves from the Council Board when duly summoned without a just and Lawful cause and shall persist therein after admonition, you suspend the

the said Councillors so absenting themselves till our further Pleasure be known giving us timely Notice thereof. And We do hereby Will and Require you, that this Our Royal Pleasure be signified to the several members of our said Council; and that it be Entred in the Council Books of Our said Province as a standing Rule.

12. You shall take care that the Members of the Assembly be Elected only by Freeholders, as being more agreeable to the Customs of this Kingdom, to which you are as near as may be to conform yourself in all particulars.

13. And Whereas the Members of several Assemblies in the Plantations have frequently assumed to themselves Privileges no ways belonging to them especially of being protected from suits at Law during the term they remain of the Assembly to the great prejudice of their Creditors & the Obstruction of Justice And some assemblys have presumed to adjourn themselves at Pleasure without Leave from Our Governors first Obtained, and others have taken upon them the sole framing of Money Bills, refuseing to let the Council alter or amend the same. All which practices are detrimental to Our Prerogative

If

If upon your calling an Assembly in South Carolina you find them insist upon any of the above said Privileges: You are to signify to them that it is our Will and Pleasure that you do not allow any Protection to any member of the Council or Assembly further than in their Persons, and that only during the sitting of the Assembly, and that you are not to allow them to adjourn themselves otherwise than de die in diem except for Sundays and Holidays without leave from you or the Commander in Chief for the time being first obtained. It is also our further Pleasure that the Council have the like power of framing Money Bills as ye Assembly. And you are hereby expressly enjoyned not to allow the said Assembly or any of the Members thereof any power or Privilege whatsoever, which is not allowed by us to the House of Commons or the Members thereof in Great Britain.

14. You are to Observe in the passing of all Laws that the style of enacting the same be by the Governor Council and Assembly: You are also as much as possible to Observe in the passing of all Laws that whatever may be requisite upon each different Law, without intermixing in One and the same

same Act, such things as have no proper relation to each other. And you are more especially to take care that no Clause or Clauses be inserted in or annexed to any Act which shall be foreign to what the Title of such respective Act imports. And that no perpetual Clause be made part of any Temporary Law. And that no Act whatever be suspended, altered, Continued Revived or Repealed by general Words, but that the Title and Date of such Act so suspended, altered, Continued, Revived or Repealed be particularly mentioned and expressed in the Enacting part.

15. You are to take care that in all Acts or Orders to be passed within that Our Province in any case for levying money or imposing Fines or Penalties express mention be made, that the same is granted or reserved to Us, Our Heirs and Successors for the Publick Uses of that our Province and the support of the Government thereof as by the said Act, or Order shall be directed. And you are particularly directed not to pass any Law or do any Act by Grant Settlement or otherwise whereby Our Revenue may be lessened or impaired without Our especial Leave or Command therein.

16.

16. You are not to permit any Clause whatever to be inserted in any Law for levying Money or the Value of Money, whereby the same shall not be made lyable to be accounted for unto us & to our Commissioners of Our Treasury or to Our High Treasurer for the time being, and Audited by Our Auditor General of Our Plantations or his Deputy for the time being And we hereby particularly require and enjoyn you upon pain of Our Highest Displeasure to take care that fair Books of Accounts of all Receipts and Payments of all Public Money be duly kept and the Truth thereof attested upon Oath. And that all such Accounts be audited & attested by Our Auditor General of Our Plantations or his Deputy who is to transmit copies thereof to Our Commissioners of Our Treasury or Our High Treasurer for the time being and that you do every half year or oftener send another Copy thereof attested by your self to Our Commissioners for Trade and Plantations and Duplicates thereof by the next Conveyance. In which Books shall be Specified every particular Sum raised or disposed of together with the names of the Persons to whom any payment shall be made, to the end we may be satisfied of the right & due Application

of

of the Revenue of Our said Province with the probability of the encrease or Diminution of it under every Head or Article thereof.

17. And it is Our Express Will and Pleasure that no Law for raising any Imposition on Wines or other strong Liquors be made to continue for less than one whole year. As also that all other Laws made for the Supply and Support of the Government shall be indefinite and without Limitation, except the same be for a temporary service, and which shall expire and have their full effect within the Time therein prefixed.

18. And whereas several Laws have formerly been enacted in several of Our Plantations in America for so short a time that Our Assent or Refusal thereof could not be had thereupon before the time for which such Laws were enacted did expire. You shall not therefore give your Assent to any Law that shall be enacted for a less time than two years except in the cases mentioned in the foregoing Article.

19. And Our further Will and Pleasure is that you do not re-enact any Law to which the Assent of Us or our Royal Predecessors has been once refused without

without express Leave for that purpose first obtained from us, upon a full Representation by you to be made to us and to our Commissioners for Trade and Plantations of the reason and necessity for passing such Law, nor give your Assent to any Law for repealing any other Law passed in your Government whether the same has or has not recieved Our Royal Approbation, unless you take care that there be a Clause inserted therein, suspending and deferring the Execution thereof, until Our Pleasure shall be known concerning the same.

20. And whereas great Mischiefs may arise by passing Bills of an unusual and extraordinary Nature & importance in the Plantations, which Bills remain in force there from the time of enacting until Our Pleasure be signified to the contrary; We do hereby Will and require you not to pass or give your Assent to any Bill or Bills in the Assembly of Our said Province of unusual & extraordinary Nature and importance wherein Our Prerogative or the Property of Our Subjects may be prejudiced, or the Trade and Shipping of this Kingdom any ways affected until you shall have first transmitted unto Us the draught of such a Bill or Bills and

shall

shall have received Our Royal Pleasure thereupon; Unless you take care in the passing of any Bills of such Nature as beforementioned, that there be a Clause inserted therein suspending and deferring the Execution thereof until Our Pleasure shall be known concerning the same. And it is Our express Will and Pleasure that no Duty shall be laid in the Province under your Government upon British shipping or upon the product or Manufacture of Great Britain, and that you do not upon pain of Our Highest Displeasure give your Assent to any Law whatsoever wherein the Natives or Inhabitants of South Carolina are put on a more advantageous footing than those of this Kingdom.

21. You are also to take care that no private Act whereby the Property of any Private person may be affected be passed in which there is not a saving of the Right of Us, Our Heirs and Successors, all Bodies Politick and Corporate and of all other Persons except such as are mentioned in the said Act and those claiming by from or under them. And further you shall take care that no such Private Act be passed without a Clause suspending the Execution thereof until the same shall have received

Our

Our Royal approbation: It is likewise Our Will and Pleasure that you do not give your Assent to any private Act until proof be made before you in Council (and entered into the Council Books) that Public Notification was made of the Parties intention to apply for such Act in the several Parish Churches where the Premises in question lye for three Sundays at least successively, before such Act was brought into the Assembly: And that a Certificate under your hand be transmitted with and annexed to every such private Act signifying that the same has pass'd thro' all the Forms abovementioned.

22. And you are likewise to transmit Authentick Copies of all Laws Statutes and Ordinances which at any time hereafter shall be made or enacted within Our said Province each of them separately under the publick Seal unto us as aforesaid and to our Commissioners for Trade and Plantations within three Months or sooner after their being enacted together with Duplicates thereof by the next conveyance upon pain of Our highest Displeasure and of the forfeiture of that Years Salary wherein you shall at any time or upon any pretence whatsoever omit to send over the said Laws, Statutes and

and Ordinances as aforesaid within the time above limitted; as also of such other Penalty as We shall please to inflict. And you are hereby directed to take care that the Copies and Duplicates of the said Acts be fairly abstracted in the Margins. But if it shall happen that no shipping shall come from our said Province within three Months after the making such Laws Statutes and Ordinances whereby the same may be transmitted as aforesaid then the said Laws Statutes and Ordinances are to be transmitted by the next conveyance after the making thereof, whenever it may happen for Our approbation or Disallowance of the same.

23. And Our further Will & Pleasure is, that in every Act which shall be transmitted the several dates or respective times when the same passed the Assembly and the Council and received your Assent be particularly expressed. And you are to be as explicit as may be in your Observations (to be sent to Our Commissioners for Trade & Plantations) upon every Act, that is to say whether the same is introductive of a new Law, declarative of a former Law then before in being. And you are likewise to send to Our said Commissioners the reasons for the passing of such Law,

unless

unless the same do fully appear in the Preamble of the said Act.

24. You are to require the Secretary of Our said Province or his Deputy for the time being to furnish you with Transcripts of all such Acts and Publick Orders as shall be made from time to time, together with a Copy of the Journals of the Council and that all such Transcripts and Copies be fairly abstracted in the Margins to the End the same may be transmitted unto us and to Our Commissioners for Trade and Plantations as above directed, which he is duly to perform upon pain of incurring the forfeiture of his place.

25. You are also to require from the Clerk of the Assembly or other proper Officer transcripts of all Journals & other proceedings of the said Assembly fairly abstracted in the Margin to the End the same may be in like manner transmitted as aforesaid.

26. Whereas several inconveniencies have arisen to Our Governments in the Plantations by Gifts and Presents made to the Governors by the General Assemblies. It is therefore Our express Will and Pleasure that neither you Our Lieut. General and Governor in Chief nor any other Governor Lieut.t Governor Commander in Chief

Chief or President of the Council of Our Province of South Carolina for the time being do receive any Gift or Present from the Assembly or others on any Account or in any manner whatsoever without Our express Licence for that purpose first had and obtained upon pain of Our highest Displeasure and of being recalled. But to the Intent that a proper Provision may be made for the support of Our Government you are hereby directed to propose unto the General Assembly and use your Utmost endeavour, that an Act be passed for raising and settling a publick Revenue for the defraying the necessary charge of the Government of the said Province, and that therein provision be particularly made for a competent Salary to yourself as Lieut. General and Governor in Chief of the said Province and to any other succeeding Governor in Chief for supporting the Dignity of the said Office, as likewise due provision for the contingent Charges of Our Council and Assembly, and for the Salaries of the respective Clerks and other Officers thereunto belonging, as likewise of all other Officers necessary for the Administration of that Government and when such Revenue shall so have been settled and Provision made as aforesaid then Our express

Will

Will and Pleasure is that neither you the Governor nor any Governor Lieutenant Governor Commander in Chief or President of the Council of Our said Province of South Carolina for the time being do give your or their Consent to or pass any Act in Our said Province for any Gift or present or for the Payment of any Money to you or them or to any of the Members of Our Council or to any other Person whatsoever except to Us Our Heirs & Successors without a Clause be inserted therein declaring that the same shall not take effect until the said Act shall have been approved & confirmed by Us Our heirs & successors.

27. And We do further Direct and Require that this Declaration of Our Royal Will and Pleasure be communicated to the Assembly at their first Meeting after Your Arrival in that Province, and entred in the Journals of the Council and Assembly, that all Persons whom it may concern may govern themselves accordingly

28. And whereas for some years past the Governors of some of Our Plantations have seized and appropriated to their own use the Product of Whales of several Kinds taken upon those Coasts upon Pretence that

that Whales are Royal Fish which tends greatly to discourage this Branch of Fishery in Our Plantations and the preventing Persons from settling there. It is therefore Our Will and Pleasure that you do not pretend to any such claim. nor give any manner of discouragement to the Fishery of Our Subjects upon the Coast of the Province under your Government, but on the Contrary that you give all possible encouragement thereto.

29. And whereas great prejudice may happen to Our Service and to the Security of Our said Province by your absence from those Parts: You are not upon any pretence whatsoever to come to Europe without having first obtained Leave for so doing from Us under Our Sign Manual and Signet or by Our Order in Our Privy Council. Yet nevertheless in case of sickness, you may go to New York or any other of Our Northern Plantations and there stay for such a space as the recovery of your health may absolutely require. And in case you shall at any time find it necessary for Our Service to go into the Neighbouring Colony of Georgia, you are hereby permitted so to do: But you are not to continue there any longer than the necessity of such

such service shall absolutely require.

30. And whereas we have thought fit by Our Commission to direct that in case of Your Death or Absence from Our said Province and in case there be at that time no person upon the place Commissionated or appointed by Us to be Our Lieutenant Governor or Commander in Chief, the Eldest Councellor whose name is first placed in these Our Instructions to you, and who shall be at the time of your Death or absence residing within Our said Province of South Carolina shall take upon him the Administration of the Government and execute Our said Commission and Instructions, and the several Powers and Authorities therein contained in the manner thereby directed. It is nevertheless Our express Will and Pleasure, that in such case the said President shall forbear to pass any Acts but what are immediately necessary for the Peace and Welfare of Our said Province without Our particular Order for that purpose. And that he shall not take upon him to dissolve the Assembly then in being nor to remove or suspend any of the Members of Our said Council nor any Judges, Justices of the Peace or other Officers Civil

or

or Military, without the Consent of at least seven of the Council, and the said President is to transmit to Us and to Our Commissioners for Trade and Plantations by the first opportunity the Reasons for such alterations signed by himself and by Our Council.

31. And whereas We are willing in the best manner to provide for the support of the Government of the said Province, by setting apart a sufficient Allowance to such as shall be Our Lieutenant Governor Commander in Chief or President of Our Council for the time being within the same Our Will and Pleasure therefore is, that when it shall happen that you shall be absent from Our said Province one full Moiety of the Salary and of all Perquisites & Emoluments whatsoever which would otherwise become due unto you shall during the time of your absence from Our said Province be paid and satisfied unto such Lieut. Governor Commander in Chief or President of Our Council who shall be resident upon the place for the time being, which We do hereby Order and Allot unto him towards his Maintenance and for the better support of the Dignity of that Our Government.

32. You are not to suffer any publick money whatsoever to be issued or disposed of otherwise than by Warrant under Your Hand by and with the Advice and Consent of Our Council. But the Assembly may nevertheless be permitted from time to time to View and Examine all accounts of Money or value of Money disposed of by Virtue of Laws made by them which You are to signify unto them as there shall be Occasion.

33. Whereas it is necessary that Our Rights and Dues be preserved and recovered, and that Speedy and Effectual Justice be Administered in all cases relating to Our Revenue, You are to take Care that a Court of Exchequer be called and do meet at all such times as shall be needful; and you are upon your Arrival to inform Us and Our Commissrs for Trade and Plantations, whether Our Service may require that a constant Court of Exchequer be settled & Established there.

34. You shall not remit any Fines or Forfeitures whatsoever above the Sum of Ten pounds nor dispose of any Forfeitures whatsoever until upon signifying unto Our Commissioners of Our Treasury or Our High Treasurer for the time being, and to Our Commissioners for Trade

Trade & Plantations, the Nature of the Offence and the Occasion of such Fines and Forfeitures, with the particular sums or Value thereof (which you are to do with all speed) you shall have received Our directions therein; But you may in the mean time suspend the payment of the said Fines and Forfeitures.

35. It is Our Will and Pleasure that you do not dispose of any Forfeitures or Escheats to any person until the proper Officer has made Enquiry by a Jury upon their Oaths into the true value thereof and you are to take care that the Produce be duely paid to Our Receiver General of Our said Province, and a full Account thereof transmitted to Our Commissioners of Our Treasury or Our High Treasurer for the Time being and to Our Commissioners for Trade & Plantations, with the Names of the Persons to whom disposed, & provided that in the Grants of all forfeited & escheated Lands there be a Clause obliging the Grantee to plant and Cultivate three Acres for every Fifty Acres within three Years after the passing of such Grant, in case the same was not so cultivated and planted before: And that there be proper Savings and Reservations of Quit Rent to Us Our Heirs and Successors according to the Laws and

Customs

Customs of the Province.

36. And in Order to prevent any Disputes that may arise about the Northern Boundaries of Our Province under your Government, We are graciously pleased to signify Our Pleasure that a Line shall be run (by Commissioners appointed by each province) beginning at the Sea 30 Miles distant from the mouth of Cape Fear River on the South West thereof keeping the same distance from the said River as the Course thereof runs, to the main Source or Head thereof, and from thence the said Boundary Line shall be continued due West as far as the South Seas, but if Waggamaw River lyes within 30 Miles of Cape Fear River then that River to be the Boundary from the Sea to the Head thereof and from thence to keep the distance of 30 Miles parallel from Cape Fear River to the Head thereof and from thence a due West Course to the South Sea.

37. You shall not displace any of the Judges Justices or other Officers or Ministers within Our said Province without good and sufficient cause to be signified unto us and to Our Commissioners for Trade and Plantations. And to prevent Arbitrary Removals of the Judges and Justices of the Peace, you are not to express any Limitation of time in the Commissions which

which you are to grant, with the advice and Consent of the Council of Our said Province, to persons fit for those employments now shall you execute by yourself or by Deputy any of the said Offices nor suffer any person to execute more Offices than one by Deputy.

38. You shall not erect any Court or Office of Judicature not before erected or established nor dissolve any Court or Office already erected or established without our especial Order.

39. You are to transmit unto Us and to Our Commissioners for Trade and Plantations with all convenient Speed, a particular Account of all Establishments of Jurisdictions Courts Offices and Officers, Powers, Authorities, Fees and Privileges granted and Settled within Our said Province. As likewise an Account of all publick Charges relating to the said Courts and of such Funds as are settled and appropriated to discharge the same together with exact and Authentick Copies of all proceedings in such Causes where appeals shall be made to us in Our Privy Council.

40 And you are with the advice and Consent of Our Council to take especial care to regulate all

Salaries

Salaries and Fees belonging to Places or paid upon Emergencies, that they be within the bounds of Moderation and that no exaction be made upon any occasion whatsoever, As also that Tables of all Fees be publicly hung up in all places where such Fees are to be paid, and you are to transmit Copies of all such Tables of Fees to Us and to Our Commissioners for Trade and Plantations as aforesaid.

41. And whereas frequent complaints have been made of great Delays and undue proceedings in the Courts of Justice in several of Our Plantations, whereby many of Our good Subjects have very much suffered, And it being of the greatest importance to Our service and to the Welfare of Our Plantations that Justice be everywhere speedily and duly administered and that all Disorders, Delays and other undue practices in the Administration thereof be effectually prevented. We do particularly require you to take especial care that in all Courts, where you are Authorized to preside, Justice be impartially administered and that in all other Courts established within our said Province all Judges & other Persons therein concerned do likewise perform their several Duties without Delay or Partiallity.

42. You are to take care that no Court of Judicature be adjourned but upon good grounds; As also that no Orders of any Court of Judicature be Entred or allowed, which shall not be first read and approved of by the Magistrates in open Court; which Rule you are in like manner to see observed with relation to the proceedings of Our Council of South Carolina. And that all Orders there made be first read and approved in Council before they are entered upon the Council Books.

43. Whereas we are above all things desirous, that all our Subjects may enjoy their Legal Rights and Properties. You are to take especial care that if any person be committed for any Criminal matters (unless for Treason or Felony plainly and especially expressed in the Warrant of Commitment) he have free Liberty to petition by himself or otherwise the Chief Baron or any one of the Judges of the Common Pleas for a Writ of Habeas Corpus, which upon such application shall be granted and served on the Provost Marshall, Goaler or other Officer having the Custody of such Prisoner or shall be left at the Goal or place where the Prisoner is confined. And the said Provost Marshall or other Officer, shall

shall within three days after such service (on the Petitioners paying the Fees and Charges and giving Security, that he will not escape by the way) make return of the Writ and Prisoner before the Judge who granted out the said Writ: and there certify the true cause of the Imprisonment, and the said Baron or Judge shall discharge such Prisoner ... taking his Recognizance and Sureties for his appearance at the Court where the offence is Cognizable, and certify the said Writ and Recognizance into the Court unless such Offences appear to the said Baron or Judge not Bailable by the Laws of England.

44. And in case the said Baron or Judge shall refuse to grant a Writ of Habeas Corpus, on view of the Copy of Commitment, or upon Oath made of such Copy having been denyd the Prisoner or any Person requiring the same in his behalf or shall delay to discharge the Prisoner after granting of such Writ the said Baron or Judge shall incur the Forfeiture of his Place.

45. You are likewise to declare Our Pleasure that in case the Provost Marshall or other Officer shall Imprison any Person above 12 Hours except by a Mittimus setting forth the Cause thereof he be removed from his said Office.

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46. And upon the application of any person wrongfully committed, the Baron or Judge shall issue his Warrant to the Provost Marshall or other Officer to bring the Prisoner before him, who shall be discharged without Bail or paying Fees And the Provost Marshall or other Officer refusing Obedience to such Warrant shall be thereupon removed. And if the said Baron or Judge denies his Warrant he shall likewise incur the forfeiture of his Place.

47. You shall give directions that no Prisoner being set at large by an Habeas Corpus be recommitted for the same Offence, but by the Court where he is bound to appear. And if any Baron Judge, Provost Marshall or other Officer contrary hereunto shall recommit such Person so Bailed or delivered, you are to remove him from his place. And if the Provost Marshall, or other Officer having the Custody of the Prisoner neglects to return the Habeas Corpus, or refuses a Copy of the Commitment within Six hours after demanded by the Prisoner or any other in his behalf he shall likewise incur ye forfeiture of his Place.

48. And for the better prevention of long Imprisonments you are to appoint two Courts of Oyer and Terminer to

to be held Yearly Viz.t on the second Tuesday in December & the second Tuesday in June, the charge whereof to be paid by the Publick Treasury of Our said Province not exceeding One hundred pounds each Sessions.

49. You are to take care that all Prisoners in cases of Treason or Felony have free Liberty to Petition in Open Court for their Tryals: That they be indicted at the first Court of Oyer and Terminer unless it appear upon Oath, that the Witnesses against them could not be produced, and that they be tryed the Second Court or discharged. and the Baron or Judge upon Motion made the last day of the sessions in open Court shall discharge the Prisoner accordingly, And upon the refusal of the said Baron or Judge, and Provost Marshall or other Officer to do their respective Duties herein they shall be removed from their Places.

50. Provided always that no person be discharged out of Prison who stands committed for Debt by any Decree of Chancery or any Legal proceedings of any Court of Record.

51. and for the preventing of any Exactions that may be made upon Prisoners you are to Declare

our

Our Pleasure, that no Baron or Judge shall receive for himself or Clerks for granting a Writ of Habeas Corpus more than 2ˢ. 6ᵈ and the like sum for taking a Recognizance. And that the Provost Marshal or other Officer shall not receive more than 5ˢ for every committment. 1ˢ. 3ᵈ for the Bond the Prisoner is to sign 1ˢ. 3ᵈ for every Copy of a Mittimus and 1ˢ. 3ᵈ for every Mile he bringeth back the Prisoner.

52. And further you are to cause this Our Royal Pleasure signified to you by the Nine Articles of Instructions immediately preceding this to be made publick & registred in the Council Books of Our said Province.

53. You are for the better Administration of Justice to endeavour to get a Law passed (if not already done wherein shall be set the Value of mens Estates either in Goods or Lands under which they shall not be capable of serving as Jurors.

54. You are to take care that no Man's life Member Freehold or Goods be taken away or harmed in Our said Province otherwise than by Established and known Laws, not repugnant to, but as near as may be agreeable to the Laws of this Kingdom from our said Province without sufficient proof of their

Crimes

Crimes and that Proof transmitted along with the said Prisoners.

55. You shall endeavour to get a Law passed (if not already done) for the restraining of any Inhumane severity, which by ill Masters or Overseers may be used towards their Christian servants and their Slaves. And that Provision be made therein that the wilful killing of Indians and Negroes may be punished with Death and that a fit penalty be imposed for the Maiming of them.

56. You are to take care that all Writs within Our said Province be issued in Our Name.

57. Whereas it has been represented to us that there is no Publick Prison erected in Our Province of South Carolina. It is therefore Our Will and Pleasure that you do in the most effectual manner recommend to the Assembly of the said Province, that they make necessary Provision for erecting a common Goal or Goals and keeping the same in repair agreeable to the Practice of other British Colonies, and you shall also take care with the Advice and Assistance of Our Council that all Court Houses and other publick Buildings, that want reparation be forthwith repaired and put into and kept in such a Condition as

is

is proper and necessary for the holding of Courts & Keeping Offices.

58. Our Will and Pleasure is that Appeals be permitted to be made in cases of Error, from the Courts in Our said Province unto yow and the Council there in Civil Causes, provided the value appeal'd for do exceed the sum of one hundred pounds Sterling, and Security be first duly given by the Appellant to answer such charges as shall be awarded in case the first Sentence shall be affirmed. Provided also that if any of the said Council shall at that time be Judges of the Court from whence such appeal shall be made to you Our Governor and Council or to the Commander in Chief for the time being and Council, such Councillor or Councillors shall not be admitted to Vote upon the said Appeal. But he or they may nevertheless be present at the hearing thereof to give the reasons of the Judgement given by him or them in the Cause wherein such Appeal shall be made

59. And if either party shall not rest satisfyed with the Judgement of yow, or the Commander in Chief for the Time being and Council as aforesaid Our Will and Pleasure is, that they may then appeal unto Us in Our Privy Council. Provided the Sum or value

so

so Appeal'd for unto Us do exceed the real value and Sum of three hundred pounds Sterling. And that such Appeal be made within fourteen days after Sentence & good security be given by the Appellant that he will effectually prosecute the same, and answer the Condemnation, as also pay such Costs and Damages as shall be awarded by Us in case the Sentence of you or the Commander in Chief for the time being and Council be affirmed. And it is Our further Will and Pleasure, that in all Cases where by your Instructions you are to admit Appeals unto us in Our Privy Council Execution be suspended until the final Determination of such Appeal such Judgment or Decree should be reversed and restitution awarded to the Appellant. And you shall cause this Declaration of Our Will and Pleasure to be forthwith Entred upon the Council Books of Our said Province that all parties may Govern themselves accordingly.

60. You are also to permit Appeals unto Us in Council in all Cases of Fines imposed for Misdemeanours Provided the Fines so imposed amount to or exceed the sum of One hundred Pounds Sterling, the appellant first giving good Security, that he will effectually

prosecute

prosecute the same, and answer the Condemnation, if the Sentence by which such fine was imposed in South Carolina shall be confirmed.

61. Whereas there are several Offices in Our Plantations granted under the Great Seal of Great Britain; and that Our Service may be very much prejudiced by reason of the Absence of the Patentees, and by their appointing Deputies not fit to officiate in their steads you are therefore to inspect such of the said Offices as are in the Province under your Government and enquire into the Capacity and Behaviours of the Persons exercising them, and to Report thereupon to Us and to Our Commissioners for Trade and Plantations, what you think fit to be done or altered in relation thereunto. And you are upon the Misbehaviour of any of the said Patentees or their Deputies to suspend them from the Execution of their Places till you shall have represented the whole matter unto Us and received Our Directions therein. And in Case of the Suspension of any such Officer it is Our express Will and Pleasure, that You take care that the person appointed to execute the Place during such Suspension do give sufficient security to the Person suspended to be answerable to him for the Profits accruing

during

during such suspension, in case we shall think fit to restore him to his place again. It is nevertheless Our Will and Pleasure, that the Person executing the Place during such Suspension, shall for his encouragement receive the same Profits as the Person suspended (if a Deputy) did, or a Moiety of the Profits in case of Suspension of the Patentee. But you shall not by colour of any Power or Authority hereby or otherwise granted or mentioned to be granted unto you, take upon you to give, grant or dispose of any Place or Office within the said Province which now is or shall be granted, under the Great Seal of this Kingdom, any further than that you may upon the Vacancy of any such Office or Place or upon the Suspension of any such Officer by you as aforesaid put in any fit person to officiate in the interval, till you shall have represented the Matter unto Us and to Our Commissioners for Trade and Plantations as aforesaid (which you are to do by the first Opportunity) and till the said Office or Place be disposed of by Us Our Heirs or Successors under the Great Seal of this Kingdom, or that Our further Directions be given therein, And it is Our Express Will and Pleasure, that you do countenance

nance and give all due encouragement to all Our Patent Officers in the enjoyment of their Legal and accustomed Fees, Rights Privileges and Emoluments according to the true intent and meaning of their Patents.

62. And Whereas several Complaints have been made by the Surveyor General and other Officers of our Customs in Our Plantations in America, that they are frequently Obliged to serve on Juries and personally to appear in Arms, whenever the Militia is drawn out, and thereby are much hindred in the Execution of their Employments. Our Will and Pleasure is that you take effectual care, and give the necessary directions that the several Officers of Our Customs be excused and exempted from serving on any Juries or personally appearing in Arms in the Militia unless in case of absolute necessity, or serving any Parochial Offices which may hinder them in the Execution of their Duties.

63. And whereas the Surveyors General of Our Customs in the Plantations are impowered in cases of the Vacancy of any of the Officers of Our Customs by Death Removal or otherwise, to appoint other persons to execute such Offices until they receive further Direc-

tions

tions from Our Commissioners of Our Treasury or Our High Treasurer or Commissioners of Our Customs for the time being. But in regard the Districts of the said Surveyors General are very extensive, and that they are required at proper times to visit the Offices in the several Governments under their Inspection and that it might happen that some of the Officers of Our Customs in the Province of South Carolina may Dye at the time when the Surveyor General is absent in some distant part of his District, so that he cannot receive advice of such Officers Death within a reasonable time and thereby make provision for carrying on the Service by appointing some other person in the Room of such Officer who may happen to Dye; therefore that there may [be] no delay given on such occasions to the Masters of the Ships or Merchants in their Dispatches: It is Our further Will and Pleasure in case of such absence of the Surveyor General, or if he should happen to Dye, and in such cases only, that upon the Death of any Collector of Our Customs within that Our Province, You shall make choice of a Person of known Loyalty Experience Diligence and Fidelity to be Employed in such Collector's room for the purposes aforesaid until the Surveyor General of

Our

our Customs shall be advised thereof and appoint another to succeed in their places, or that further Directions be given therein, by Our Commissioners of Our Customs for the time being, which shall be first Signify'd, taking care that you do not under pretence of this Instruction interfere with the Powers and Authorities given by the Commissioners of Our Customs to the said Surveyor-General, when he is able to put the same in Execution.

64. You shall Administer or cause to be administered the Oaths appointed in the aforesaid Act Entituled, 'An Act for the further Security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants, and for Extinguishing the Hopes of the Pretended Prince of Wales, and his Open and Secret Abettors', to the Members and Officers of Our Council and Assembly,- and to all Judges, Justices and other persons that hold any Office or place of Trust or Profit in our said Province, whether by virtue of any Patent under Our Great Seal of Great Britain, or the Publick seal of Our said Province of South Carolina or otherwise. And you shall also cause them to make and subscribe the aforesaid

Declaration

Declaration, without the doing of all which you are not to admit any person whatsoever into any publick Office, no suffer those that have been admitted formerly to continue therein.

65. You are to permit a liberty of Conscience to all persons (except Papists) so as they be contented with a quiet and peaceable enjoyment of the same not giving Offence or Scandal to the Government.

66. You shall take especial care that God Almighty be devotedly and duly served throughout your Government: The Book of Common Prayer as by Law established read each Sunday and Holiday and the Blessed Sacrament Administered according to the Rites of the Church of England.

67. You shall take care that the Churches already built there be well and orderly kept, and that more be built as by God's blessing ye Province shall be improved, And that besides a competent maintenance to be assigned to the Minister of each Orthodox Church, a convenient House be built at the common charge for each Minister, and a competent proportion of Land assigned him for a Glebe & exercise of his Industry.

68. And you are to take care that the Parishes be so

so limited and settled as you shall find most convenient for accomplishing this Good work.

69. You are not to prefer any Minister to any Ecclesiastical Benefice in that Province without a Certificate from the Right Reverend Father in God the Lord Bishop of London, of his being conformable to the Doctrine and Discipline of the Church of England and of a good life and Conversation, and if any Person already preferred to a Benefice shall appear to you to give Scandal either by his Doctrine or Manners you are to use the usual means for the removal of him, and to supply the Vacancy in such manner as We have directed.

70. You are to give orders forthwith, (if the same be not already done) that every Orthodox Minister within your Government, be one of the Vestry in his respective Parish, and that no Vestry be held without him, except in case of sickness or that after notice of a Vestry summoned he omit to come.

71. You are to enquire whether there be any Minister within your Government who preaches and Administers the Sacraments in any Orthodox Church or Chappel, without being in due Orders, and to give an Account thereof to the Lord Bishop of London.

72.

12. And to the End the Ecclestiastical Jurisdiction of the Lord Bishop of London may take place in that Our Province so far as conveniently may be, We do think fit that you do give all countenance and encouragement to the Exercise of the same excepting only the collating to Benefices, Granting Licences for Marriages and Probate of Wills which we have reserved to you our Governor and to the Commander in Chief of Our said Province for the time being as far as by Law we may.

13. And We do further direct that no schoolmaster be henceforward permitted to come from this Kingdom and to Keep School in that Province, without the Licence of the said Lord Bishop of London, and that no other person now there, or that shall come from other parts shall be admitted to keep school in South Carolina without your Licence first obtained.

14. And you are to take especial care that a Table of Marriages, established by the Canons of the Church of England, be hung up in every Orthodox Church and duly observed, and you are to endeavour to get a Law passed in the Assembly of that Province (if not already done) for the strict Observation of the said Table.

15.

15. Having been graciously pleased to Grant unto the Right Reverend Father in God Edmd Lord Bishop of London a Commission under Our Great Seal of Great Britain whereby he is empowered to Exercise Ecclesiastical Jurisdiction, by himself or by such Commissaries as he shall appoint in Our several Plantations in America. It is Our Will and Pleasure that you give all Countenance & due Encouragement to the said Bishop of London or his Commissaries in the Legal Exercise of such Ecclesiastical Jurisdiction according to the Laws of the Province under your Government and to the Tenour of the said Commission.

16. The Right Reverend Father in God Edmd Lord Bishop of London having presented a Petition to Our late Royal Father humbly beseeching him to send Instructions to the Governors of all the several Plantations in America, that they cause all Laws already made against Blasphemy, Prophaness, Adultery, Fornication, Polygamy, Incest, Prophanation of the Lords Day, Swearing and Drunkenness, in their respective Governments to be vigorously executed; And We thinking it highly just, that all persons who shall offend in any of the particulars aforesaid

should

should be prosecuted & punished for the said Offences
It is therefore Our Will and Pleasure, that you do
take due care for the punishment of the forementioned
vices, and that you earnestly recommend to the
assembly of South Carolina to provide effectual
Laws for the restraint & Punishment of all such
of the aforementioned Vices against which no Laws
are as yet Provided. And also you are to use your
endeavours to render the Laws in being more
effectual by providing for the Punishment of the
aforementioned Vices, by Presentment upon Oath to be
made to the Temporal Courts by the Churchwardens
of the several Parishes at proper times of the year
to be appointed for that purpose. And for the further
discouragement of Vice and Encouragement of Virtue
and good Living that by such Example the Infidels
may be invited and persuaded to embrace the Chris-
tian Religion. You are not to admit any Person
to publick Trusts and Appointments in the Province
under your Goverament whose ill Fame and con-
versation may occasion Scandal. And it is Our
further Will and Pleasure, that you recommend
to the Assembly to enter upon proper Methods for
the erecting and maintaining of Schools, in order to

ag^e training up of Youth to reading, and to a necessary Knowledge of the Principles of Religion, and you are also with the assistance of the Council & Assembly to find out the best means to facilitate & encourage the conversion of Negroes & Indians to the Christian Religion.

11. You shall send to Us and to Our Commissioners for Trade and Plantations by the first conveyance an Account of the present Number of Planters and Inhabitants Men Women & Children as well Masters as Servants, free and unfree, of the slaves in Our said Province. As also a yearly Account of the increase or decrease of them and how many of them are fit to bear Arms in the Militia of Our said Province

12. You shall also cause an exact Account to be kept of all Persons born, Christned and Buried; and send Yearly fair Abstracts thereof to Us and to our Commissioners for Trade and Plantations.

13. You shall take care that all Planters Inhabitants and Christian Servants be well and fitly provided with Arms, and that they be listed under good Officers and as often as shall be thought fit Mustered and Trained, whereby they may be in a better readiness for the defence of the said Province.

and

and for the better Security thereof; you are to appoint fit Officers and Commanders in the several Parts of that Province bordering upon the Indians, who upon any Invasion may raise Men and Arms to oppose them, until they shall receive your Directions thereon But you are to take especial care that neither the frequency nor unreasonableness of remote Marches, Musters or Trainings be an unnecessary Impediment to the Affairs of the Inhabitants. And you shall not upon any Occasion whatsoever Establish or put in Execution any Articles of War or other Law Martial upon any of Our Subjects Inhabitants of our said Province without the Advice and Consent of Our Council there.

80. And whereas you will receive from Our Commissioners for executing the Office of High Admiral of Great Britain, and of the Plantations, a Commission constituting you Vice Admiral of Our said Province. You are hereby required and directed carefully to put in Execution the several Powers thereby granted you. and there having been great irregularities in the manner of granting Commissions in the Plantations to Private ships of War. you are to Govern yourself whenever there shall be Occasion according

according to the Commissions & Instructions granted in this Kingdom, Copies whereof will be herewith delivered to You. But you are not to grant Commissions of Marque or Reprisal against any Prince or State or their Subjects in Amity with Us, to any person whatsoever without Our Especial Command. And you are to oblige the Commanders of all ships to whom you shall grant Commissions to wear no other Jack than according to the sample here described, that is to say such as is worn by Our ships of War, with the Distinction of a White Escutcheon in the Middle thereof: And that the said Mark of Distinction, may extend itself to one half of the depth of the Jack and one third of the fly thereof.

81. Whereas it is absolutely necessary that We be exactly Informed of the state of Defence of all Our Plantations in America, as well in relation to the stores of War that are in each Plantation, as to the Forts and Fortifications there, and what more may be necessary to be built for the Defence and Security of the same. You are so soon as possible to prepare an account thereof with relation to Our said Province in the most particular Manner And you are therein

therein to express the present state of Arms Ammunition and other stores of War belonging to the said Province either in any Publick Magazines or in the Hands of Private Persons, together with the State of all Places either already Fortified or that you judge necessary to be Fortified for the security of Our said Province And you are to transmit the said Accounts to Us and to Our Commissioners for Trade and Plantations As also a Duplicate thereof to Our Master Genl or Principal Officer of Our Ordnance, which Accounts are to Express the particulars of Ordnance, Carriages Ball, Powder and all other sorts of Arms and Ammunition in Our Publick Stores at your arrival, & so from time to time of what shall be sent to you or bought with the Publick Money, and to specify the time of the disposal and the Occasion thereof & other like accounts half yearly in the same manner.

82. You shall cause a Survey to be made of all the considerable Landing Places and Harbours in Our said Province; and with the Advice of Our Council there erect in any of them such Fortifications as shall be necessary for the Security and advantage of the said Province; And that fit Storehouses be settled in

in the said Province for receiving and keeping of Arms, Ammunition and other Publick Stores all which is to be done at the Publick charge, and you are accordingly to move the General Assembly to the passing of such Acts as may be requisite for the carrying on of that work, in which We doubt not of their chearful concurrence from the common Security and Benefit they will receive thereby.

83. You are from time to time to give an account as before directed what strength Your Neighbours have (be they Indians or others) by Sea and Land and of the Condition of their Plantations, and what correspondence you do keep with them. And in case of distress of any other of Our Plantations, you shall upon application of the respective Governors thereof to you assist them with what aid the Condition and Safety of Our Province under your Government can spare.

84. And Whereas We have been graciously pleased by Our Commission bearing date the 20th day of June 1737 in the 11th year of Our Reign, to appoint Our Trusty and Welbeloved James Oglethorpe Esqr to be Our General and Commander in Chief of all and Singular Our Forces employed and to be employed in

in Our Provinces of South Carolina & Georgia in America. It is therefore Our Will and Pleasure, that you do not interfere with, or derogate from the Powers & Authorities granted him by Our said Commissions.

85. You shall transmit unto Us and to Our Commissioners for Trade & Plantations by the first Opportunity a Map, with an exact Description of the whole Province under your Government, with the several Plantations upon it, and of the Fortifications; as also of the bordering Spanish & Indian Settlements.

86. You are to Examine what Rates & Duties are charged and payable upon any Goods exported and Imported within Our said Province, whether of the Growth or Manufacture of Our said Province or otherwise. And you are to suppress the engrossing of Commodities as tending to the prejudice of that freedom which Trade and Commerce ought to have, and to use your best endeavours in the Improving the Trade of those parts by settling such Orders and Regulations therein, with the Advice of Our said Council, as may be most acceptable to the generality of the Inhabitants.

87. You are to give all due encouragement and

invitation

invitation to Merchants and others who shall bring Trade into Our said Province, or any way contribute to the Advantage thereof, and in particular to the Royal African Company and others Our subjects trading to Africa. And as we are willing to recommend unto the said Company and other Our Subjects that the said Province may have a constant and sufficient supply of Merchantable Negroes at moderate rates in Money or Commodities so you are to take especial care that payment be duly made & within a competent time according to their respective agreements.

88. And Whereas the said Company and other Traders, having frequently great sums of money owing to them in Our Plantations in America, have been much hindered in the recovery of their just Debts & discouraged in their Trade by the too frequent adjournmt of Courts. And it being absolutely necessary that all Obstructions in the course of Justice be duly & frequently held in Our Province under your Government so that all our Subjects in the said Province and particularly the Royal African Company and others trading to Africa may enjoy the benefit thereof, and not receive any undue hindrance in the

the recovery of their just Debts.

89. And we do further expressly command and require you to give unto us and to Our Commissioners for Trade and Plantations, an Account every half year of what number of Negroes Our said Province is supplyd with, that is, what number by the African Company & what by the Separate Traders, and at what rates sold.

90. Whereas We have been informed that during the Time of War, Our Enemies have frequently got intelligence of the state of Our Plantations by Letters from private Persons to their Correspondents in Great Britain, taken on Board ships coming from the Plantations, which has been of dangerous Consequence. Our Will and Pleasure therefore is, that you signify to all Merchants, Planters and others that they be very cautious in time of War, whenever that shall happen, in giving any account by Letters of the Publick State & Condition of Our Province of South Carolina. And you are further to give directions to all Masters of Ships or other persons to whom you may intrust your Letters, that they put such Letters into a Bagg, with a sufficient weight to sink the same immediately in case of imminent danger from the Enemy. And

you

you are always to let the Merchants & Planters know how greatly it is for their Interest that their Letters shall not fall into the hands of the Enemy: And therefore that they should give the like Orders to Masters of Ships in relation to their Letters, & you are further to advise all Masters of Ships that they do sinke all letters in case of danger in the manner beforementioned.

91. And whereas in the late Wars the Merchants and Planters in America did correspond and Trade with Our Enemies, and carry intelligence to them to the great prejudice and Hazard of the British Plantations: You are therefore by all possible Methods to endeavour to hinder all such Trade and Correspondence in time of War.

92. Whereas by the 5th and sixth Articles of the Treaty of Peace and Neutrality in America concluded between England and France the $\frac{6}{16}$ day of November 1686 the Subjects and Inhabitants of each Kingdom are prohibited to Trade and Fish in all Places possessed, or which shall be possessed by the other in America, and that if any ships shall be found Trading contrary to the said Treaty upon due proof the said ship shall be confiscated. But in case the Subjects of either King shall be forced by stress of Weather,

Enemies

Enemies or other necessity into the Ports of the other in America, they shall be treated with Humanity & Kindness, and may provide themselves with victuals and other things necessary for their Sustenance and reparation of their Ships at reasonable rates: Provided they do not break Bulk, nor carry any Goods out of their Ships, exposing them to sale, nor receive any Merchandize on Board under Penalty of confiscation of ship & Goods. It is therefore Our Will and Pleasure that you signify to Our Subjects under your Government, the purport and intent of the abovesaid two articles, and that you take particular Care that none of the French Subjects be allowed to Trade from their said Settlements to South Carolina or Fish upon the Coast thereof.

93. Whereas Commissions have been granted unto several Persons in Our respective Plantations in America, for the trying of Pirates in those Parts, pursuant to the several Acts for the more effectual Suppression of Pirates: And by a Commission already sent to Our Province of South Carolina, you as Captain General and Governor in Chief of Our said Province, are Empowered together with others therein mentioned to proceed accordingly in reference to the said

Province

Province of South Carolina. Our Will and Pleasure is that in all matters relating to Pirates, you govern yourself according to the intent of the said Acts and Commission aforementioned.

94. Whereas We have thought it necessary for Our Service to constitute and appoint a Receiver General of the Rights and Perquisites of the Admiralty. It is therefore Our Will and Pleasure that you be aiding and assisting to the said Receiver General his Deputy or Deputies in the execution of the said Office of Receiver General, and do hereby enjoyn and require you to make up your accounts with him his Deputy or Deputies of all Rights of Admiralty (Effects of Pirates included) as you or your Officers shall or may at any time receive, and to pay over to the said Receiver General his Deputy or Deputies for Our use, all such Sum or Sums of Money as shall appear upon the foot of such accounts to be and remain in your hands or in the hands of any of your Officers. And Whereas Our said Receiver General is directed in case the Parties chargeable with any Part of Such Our Revenue, refuse, neglect or delay Payment thereof by himself or sufficient Deputy to apply in Our name

name to Our Governors, Judges Attornies Generall, or any other Our Officers or Magistrates, to be aiding or assisting to him, in recovering the same. It is therefore Our Will and Pleasure that you our Governor, Our Judges, Our Attornies Generall and all other Our Officers, whom the same may concern do use all lawful Authority for the Recovering & levying thereof.

95. You are likewise from time to time to give unto Us, and to Our Commissioners for Trade and Plantations as aforesaid an Account of the Wants and Defects of Our said Province: what are the Chief products thereof, what new improvements are made therein by the Industry of the Inhabitants or Planters, and what further Improvements you conceive may be made, or advantages gained by Trade; and which way We may contribute thereunto.

96. If any thing shall happen which may be of advantage and Security to Our said Province which is not herein or by Our Commission Provided for, We hereby allow unto you with the advice and consent of Our said Council to take Order for the present therein, giving unto us by

by one of Our Principal Secretaries of State, and to Our said Commissioners for Trade and Plantations speedy Notice thereof, that so you may receive Our Ratification thereof, if We shall approve of the same Provided always that you do not by Colour of any Power or Authority hereby given you, commence or Declare War without Our knowledge or particular Commands therein, except it be against Indians, upon Emergencies wherein the Consent of Our Council shall be had & speedy Notice given thereof to us as aforesaid.

97. And you are, upon all Occasions to send unto us, by One of Our Principal Secretaries of State, and to Our Commissioners for Trade and Plantations, a particular Account of all your Proceedings and of the Condition of Affairs within your Government.

98. Whereas We have been at a very considerable charge in purchasing the Sovereignty of the Provinces of South and North Carolina together with seven eighth parts of the Land thereof from the late Lords Proprietors, and have actually paid them in consideration of seven Eighth parts of Quit Rents only, alledged to be due in Arrear to

them

them from the Inhabitants of Our said Provinces the sum of £5,000: Now as a further Mark of Our Royal Bounty and Fatherly Indulgence to Our People under your Government, We do hereby empower you to give your Assent to a Law for remitting the said Arrears. Provided the Assembly do by the same Law repeal One formerly enacted by the Lords Proprietors Entituled an "Act to ascertain the Prices of Land, the forms of Conveyances and the manner of Recovering of Rents for Lands; and the prices of the several Commodities the same shall be paid in; and do therefore provide that all Possessors of Land in Our Province under your Government do forthwith Register the respective Grants by which they claim such Lands, in the office of Our Auditor General or his Deputy, a Copy of which Register, and of all Grants to be made for the future you are to send to Us as aforesaid, and to Our Commissioners for Trade and Plantations, and that every Person possessing Land in the said Province, by Virtue of any Grant from the late Lords Proprietors do for the future pay to Us Our Heirs and Successors the Annual Quit Rats reserved upon such Grants respectively in Proclamation

ation Money.

99. Whereas an Act was passed in the Assembly of Our Province of South Carolina in May 1736. Entituled "An Act for Stamping Emitting and making Current the Sum of £210,000 in Paper Bills of Credit and for ascertaining and Preserving the future Value thereof to be let at Interest on good Security at 8 ℔ Cent ℔ Annum and for applying the said Interest to the purposes hereinafter mentioned and exchanging the Paper Bills of Credit in this Province, and for making them less subject to be counterfeited and also to encourage the Importation of Silver and Gold Coin into this Province." Which Act has been considered by Our Commissioners for Trade and Plantations who made a Report thereupon to a Committee of Our Council, and the said Committee having reported to Us that the purport of the said Act is agreeable to Our 21st Instruction given to Robert Johnson Esqr late Governor of Our said Province and that the same has many good Clauses and Provisoes in it. But there is a Clause directing the Treasurer to discount or allow 10 ℔ Cent on all Duties inwards which shall be paid into the Treasury in Silver or Gold which is evidently against

against the Intention of the Proclamation published by her late Majesty Queen Anne on the 18th of June 1704, which was enacted into a Law in 1707 to prevent the drawing money from one Colony to another by setting an unequal value thereupon to the great prejudice of Trade. And likewise that there is a provision in the said Act for creating a security for an Old Debt of £100,000 in Paper Money now current in that Province out of the Interest arising by the Loan of £110,000 part of the New Bills; But that there is no Clause in it to oblige the Borrowers to repay any part of the Principal towards the sinking of the said Bills, which ought to have been provided for by gradual Payments annually, and should have commenced at least upon the Acquisition of a sufficient Fund for the Discharge of the Old Debt. We have taken the said Report into Our Royal consideration and do approve thereof And it is Our Will and Pleasure that you do recommend to the Council and Assembly of the said Province to pass another Act for the same purpose not lyable to the aforementioned Objections taking care however that a Clause agreeable to Our 21st Instruction be therein inserted to prevent the

the said Law from taking effect until Our Royal Pleasure shall be known thereupon.

100. That We may the better understand what Acts and Laws are in force in Our said Province of South Carolina: you are with the assistance of the Council to take care that all Laws now in force there be revised and considered. And if there be anything either in the Matter or Stile of them, which may be fit to be retrenched or altered; you are to represent the same unto Us with your Opinion touching the said Laws now in force (whereof you are to send a compleat Body unto Us and to Our Commissioners for Trade and Plantations, at the end of the first Session of Assembly after your arrival there) as they now are, together with such Proposals for Alterations as you shall think requisite to the end Our approbation or disallowance may be signified thereupon.

101. Whereas great inconveniencies have arisen in many of Our Colonies in America, from the granting excessive Quantities of Land to particular Persons which they have never cultivated. And have thereby prevented others more industrious from improving the same, more particularly in South Carolina, where several Persons claim a Right to

many

many thousand Acres which they have not yet taken up. you are hereby directed to recommend to the Assembly of Our said Province to pass an Act or Acts, whereby the Owners of all Lands already granted by the late Lords Proprietors shall be obliged within a reasonable time to take Possession of and Cultivate the Lands by them claimed on penalty of Forfeiture of such Right of Claim. and to prevent the like inconvenience for the future in all Grants of Lands to be made by you by and with the Advice & Consent of Our Council, you are to take especial Care that no Grants be made to any Person, but in proportion to his Ability to cultivate the same and that proper Clauses be inserted for vacating the said Grants in failure of Cultivation or Payment of the Quit Rents reserved thereon. And as the most probable Measure for your Judgement in this particular will be to proportion the Quantity of Land to the Number of Persons and Slaves in each Grantee's Family; You are hereby directed not to grant to any person more than 50 Acres for every white or Black man, Woman or Child of which the Grantees family shall consist at the time the Grant shall be made. But in laying out

of

of all Lands for the future where such Lands shall be contiguous to Rivers you are to take care that not above one fourth part of the Land granted shall border upon the River that is to say there shall be four Miles in depth backwards to every Mile in front upon the said River respectively and so in proportion for any larger Quantity and that a free passage to and from the said River be reserved for the use of all the Majesty's Subjects

K2 Whereas it has been found by long experience in the Provinces of New Hampshire and the Massachusetts Bay that the settling of such Townships were dispersed & become Plantations there as Towns where both regularity very much to their disadvantage Not only with respect to the Conveniency they have been able to afford each other in their Social Intercourse and Defence and Support to the Government they have thereby secured against the insults and Incursions of the Neighbouring Indians We have thought fit for the Service now upon are hereby required to cause the said Land to be laid out into Townships in the said Province on the Banks of Rivers at Sixty Miles Distance from Charles Town that is to say Two Townships on the Savannah River One on the Head

Head of Ponpon River, Two on Santee River, One on Watry River, One on Black River, one on Pedee River and one on Wacomaw River. It is Our further Will and Pleasure, that each of these Townships do consist of 20,000 Acres of Land to be laid out in square Plats of Ground, one side thereof to front the Banks of the respective Rivers on which they shall be settled. In each of these Townships you shall mark out a proper place for the situation of a Town contiguous to the River where the Township lyes, to consist of so many lots, and each Lot of such quantity of Land as you shall judge convenient, & to each Inhabitant at their first settling there, besides their respective Town Lots you shall grant 50 Acres part of the aboremention'd 20,000 for every Man Woman or Child of which the Grantees Family shall consist. Which Grants shall be augmented from time to time as the Abilities of the respective Inhabitants shall render them capable of cultivating more Lands, always taking care to proportion the Profitable and unprofitable Land in each Grant and to make the same out in such manner that every Grantee by the Situation of his Land

may

may reap equal advantage of access to the River to which the Township shall be contiguous. And to the intent that Land near the said Townships may not be wanting for the conveience of the Inhabitants as their substance shall encrease, no Person, except the Inhabitants shall be allowed to take up any Lands within Six miles of the said Townships respectively to which the said Townships shall be contiguous.

103. It is Our further Will and Pleasure that each of these Townships together with all Lands on the same side of the River lying within Six miles of the said Townships respectively be erected into a distinct Parish and that when any of the said intended Parishes shall have one hundred Housekholders they shall be entituled to send Two members to Our Assembly, and to enjoy all such Other Privileges as do of right & common usage belong to other Parishes in Our said Province.

104. And as a further Encouragement to such Persons as shall be disposed to Settle in these Townships. We are graciously pleased to allow the inhabitants thereof a Right of Common & Herbage in and thro' all such Lands contained within the

Extent

Extent of the said Townships respectively as shall not be taken up by particular Grants made to the said Inhabitants. And that a quantity of Land not exceeding 300 Acres contiguous to the said Town shall be set apart for a Common in perpetuity to each of the said Towns free from Quit Rent. And it is Our Will and Pleasure that you do with all convenient speed lay out these Townships, and that no person ... claiming a Right to take up Land in South Carolina by former Grants from the late Lords Proprietors be allowed to take up Lands within Six Miles of these Townships by virtue of such Grants.

105. And whereas We have been informed that the Number of White men in Our said Province bears too small a Proportion to that of the Blacks which is not only a hindrance to the Peopling & Settling ye same, but may be also of dangerous consequence from the attempts of an Enemy, & even from an Insurrection of the Negroes. It is Our Will and Pleasure that you recomend in the strongest terms to the Assembly that they pass an Act giving suitable Encouragement to all who shall import white servants into the Province either

men

Men or Women; and as an Encouragement for White Servants to go thither, We are graciously pleased to allow you to grant Fifty acres of Land free of Quit Rents for ten years to all White Servants Men or Women, who shall have served their Masters the whole time of their Agreement, and shall be willing afterwards to become Planters or Settlers in the said Province.

106 And Whereas by Our Commission you are impowered to Settle and agree by and with the Advice and Consent of Our said Council with the Inhabitants of Our said Province for such Lands Tenements and Hereditaments as now are or hereafter shall be in Our Power to dispose of, and them to Grant to any person or persons upon such Terms and under such Moderate Quit Rents services and Acknowledgements to be thereupon reserved unto Us, as you by the Advice aforesaid shall think fit. It is nevertheless Our Will and Pleasure, that you do not make any Grants of Land to any Person whatsoever under a less Quit Rent than four Shillings Proclamation Money for every hundred Acres. Except for the first ten years to White Servants as mentioned.

in

in the foregoing Article, and the like Term for those who shall undertake to Settle the Nine forementioned Townships or any of them.

107. And Whereas by an Act Entituled "An Act for establishing an Agreement with Seven of the Lords Proprietors of Carolina for the Surrender of their Title and Interest in that Province to His Majesty; passed in the 2d year of Our Reign there is a saving to all Persons claiming any Office or Place under any Grant made before January 9br 1st 1727/8 under the Lords Proprietors common Seal of all Rights to such Offices or Places as they had at the time of Passing that Act, or might have been entituled to in case the said Act had not been made. You are immediately upon your Arrival in South Carolina to make diligent enquiry, what those Offices are,? their several Values? how their profits arise? in what manner executed? for what Term they are granted? and whether they or any of them are useful or hurtful to the Province? and that we may be the better apprized thereof you are to send unto Us and to Our Commissioners for Trade and Plantations as aforesaid Authentick Copies of all such Grants, to-

gether

gether with your Explanations and remarks thereon in which you are to be very explicit to the end you may receive Our further Directions therein; But in the meantime you are to take especial care that no Office or place whatever in Our said Province be executed but by Commission to be granted by Us, or by you Our Governor under the Seal of Our said Province.

108. And whereas there is great Reason to believe that the Indians on the Frontiers of South Carolina who have of late years fallen off from the British Interest there, have been in some measure provoked thereto by the Injustice and ill usuage which they have received from Our Subjects in your Govern^mt^ and it being highly necessary for the Welfare of Carolina that a good understanding should be maintained with the said Indian Nations, as well for the promoting of Trade, as for the Security of the Frontiers of your Government you are hereby particularly enjoyned to use all possible ways and means for regaining the Affections of the said Indians, & to preserve a good Correspondence with such of them as remain faithfull to Our Interest but especially with the Cherikkee Indians

inhabiting

inhabiting the Mountains on the North West side of the said Province of South Carolina. And you are likewise hereby directed to recommend in the strongest terms to the Indian Traders to be Just and Reasonable in their dealing with the Native Indians. and likewise to propose to the Assembly if you and Our Council there shall judge it necessary to pass one or more Laws for the better Regulation of the said Indian Trade, and for the encouragement and Protection of such Indians as shall adhere to Our Interest.

109. Whereas by an Additional Instruction to Our Trusty and Welbeloved Robert Johnson Esqr late Governor of Our said Province of South Carolina dated the of 1732. in the sixth year of Our Reign from our late Royal Consort as Guardian of Our Kingdom and Our Lieut within the same, he was directed & Empowered upon Mr Purrys producing Certificates of his having Imported into South Carolina 600 Swiss Protestants including Men Women and Children in Our name to Grant Lands to the said Purry not exceeding 48,000 Acres in Our said Province Subject to the Quit Rents reserved by His Instructions, after the expiration of

of the first Ten years from the date of the Grant and on Condition that if any of the Lands so granted should not be Cultivated within the space of the said Ten years from the Date of the Grant such Land should in that case at the Expiration of the said Ten years Revert to the Crown. And Whereas on the day of July 1733 We were graciously — pleased by another Instruction to the said Robert Johnson Esqr to direct him to Grant unto the said Sieur Purry a quantity of Land in part of the said 48,000 Acres in proportion to the Number of Swiss he had then Imported and so from time to time in proportion to such Numbers as he should Import and settle in that Province until he should have imported and Settled the full Number of 600 Persons under the Reservations, Restrictions and Conditions aforesaid, which 48,000 Acres were to be marked out in the Lands lying most contiguous to those set apart for the Swiss Township and to take care that no part of the said 48,000 Acres be granted to any person except the said Sieur Purry nor any part of the said Township to other Persons except to the Swiss Protestants intended to be settled there. And whereas in January

1734/5

1734/5 We were graciously pleased by a third In-
struction to the said Robert Johnson to grant
Additional Quantities of Land within the Limits
of the Township of Purrysburgh as he should think
an Adequate Reward to such of the most substan-
tial and prudent Inhabitants as had been or
might be employed in directing and assisting others
to make their settlements, Provided that such Ad
-ditional Lands so to be granted to any one
single Person should not exceed three hundred
Acres and that their Services should be first
Certify'd to him by the said Mr Purry and whereas
He was also directed to grant to such of the In-
habitants whose Lots of Land were situated on the
Rivulet running through Purrysburgh double
lots of Land in the said Town in consideration
of their Extraordinary Charges and Labour in clean-
ing the said Rivulet and draining a Swamp or
Morass situated within that Town, and whereas
He having been given to understand that other Foreign
Protestants Skilled in the production of Silk and Wine
were willing to go and settle at Purrysburgh did
signify Our pleasure that he the said Governor should
receive them amongst the Number of Swiss Protestants

which

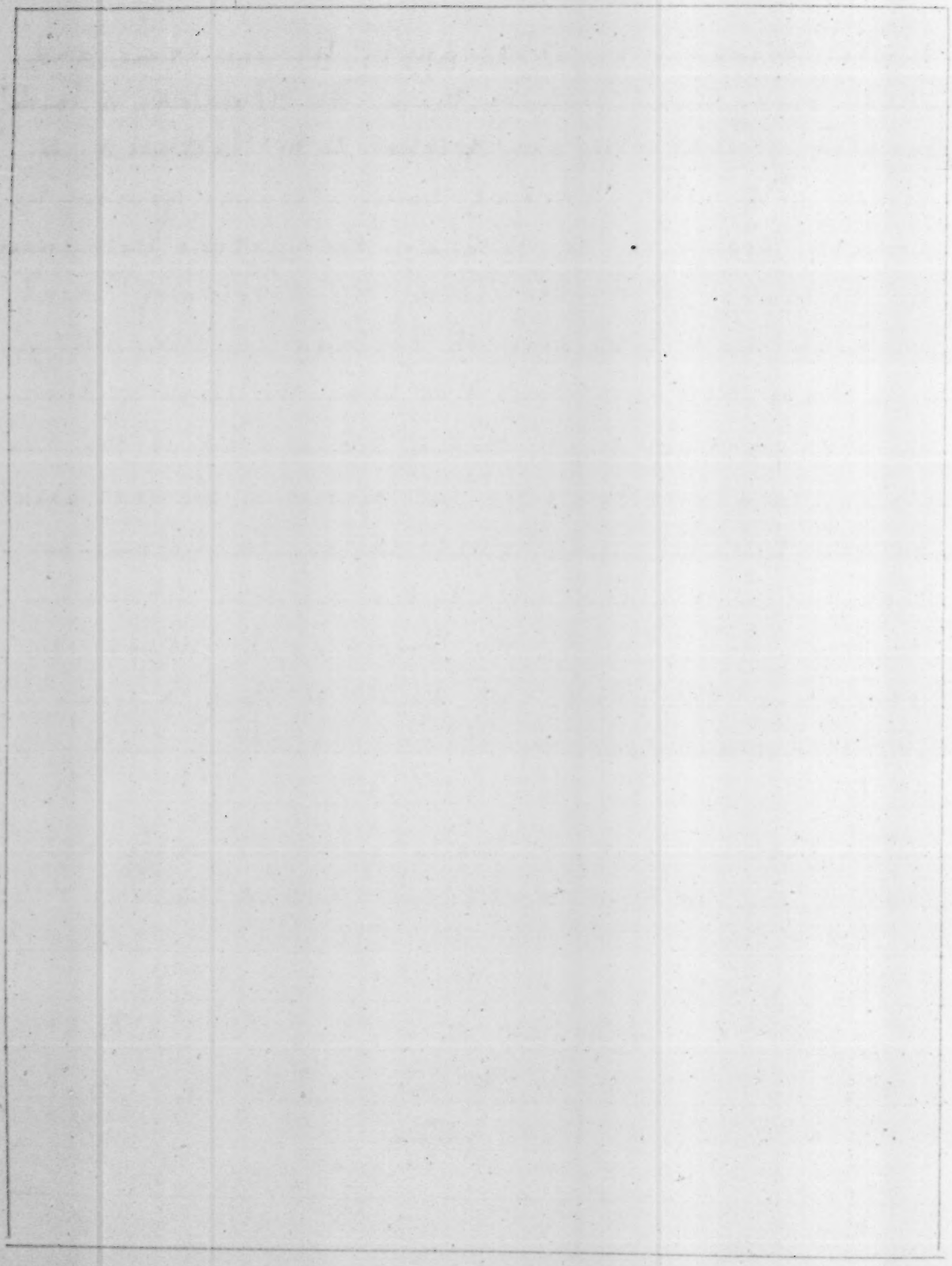
which Col. Purry had obliged himself to carry to that Place. And Whereas the Sieur Purry has complained to Us of great Neglects of carrying the aforesaid Instruction into Execution It is Our Express Will and Pleasure that upon your arrival in Carolina you immediately make Enquiry into this Affair and give all due & necessary Orders for the putting in Execution whatever may have been neglected or omitted with regard to the aforesaid three Instructions or any part thereof

110. Whereas several Disputes have arisen between the two Provinces of South Carolina and Georgia in relation to the Trade carried on by the said two Provinces with the Indians It is Our Will and Pleasure that you recommend it to the Council & Assembly to pass a proper Act or Acts for settling that Trade on such a footing as may be for the mutual Benefit and Satisfaction of both the said Provinces. We have at the same time given an Instruction to Our Right Trusty and Welbeloved the Trustees for Establishing the Colony of Georgia to pass a like Law for that Province and in the mean time to direct their Commissioners in that Province to grant Licences

to

"to all Persons who shall apply for the same, and "shall bring Certificates from the Governor of South Carolina that they are proper to be Licenced to "Trade with the Indians such Persons giving rea- "sonable Security to demean themselves well towards "the Indians in Amity with the Crown of Great "Britain", and likewise to forbear (as they alledge they have hitherto done) to levy the sum of five pounds or any part thereof upon any of the Car- olina Indian Traders by virtue of the Act passed by the Trustees for Establishing the Colony of Georgia in America intituled an Act for main- taining Peace with the Indians, to which In- struction We shall not doubt of their paying all due Obedience.

The Instructions for Trade were the same as those given to Govr Nicholson vide A fol. 92.



B.P.R.O. So Carolina B.T. Vol 10. G 17

(31 July 1739)

At the Council Chamber Whitehall
the 31st of July 1739

By the Right Honourable the Lords of the
Committee of Council for Plantation Affairs

His Majesty having been pleased by His Order in Council of the 26th of this Instant to refer unto this Committee a Representation from the Lords Commissioners for Trade and Plantations with two Draughts of Instructions prepared by the sd Lords Commissioners for James Glen Esqr His Majesty's Governor of the Province of South Carolina. The Lords of the Committee this day took the same into consideration together with a Memorial of the said Mr Glen praying that some Alterations may be made in the Draughts of his General Instructions And are hereby pleased to refer back the said Draught of General Instructions to the said Lords Commissioners to reconsider thereof, together with the three first articles contained in the said Memorial of Mr Glen (which is hereunto annexed) and to Report to this Committee such alterations as they shall think proper to be made in the said Draughts of Instructions

Recd Read August 2nd 1739.

Ja. Vernon

(Enclosure)

1111

(Enclosure.)

To the Right Honourable the Lords of the Committee

The Memorial of James Glenn Esqr Governor of South Carolina.

Humbly Sheweth

That it may be for His Majestys Service to have the thirteenth Article of his Instructions further Explained, it having raised such Disputes between the two houses of Assembly that they have twice broken up without passing the Tax Bill for the Current Service of the Year.

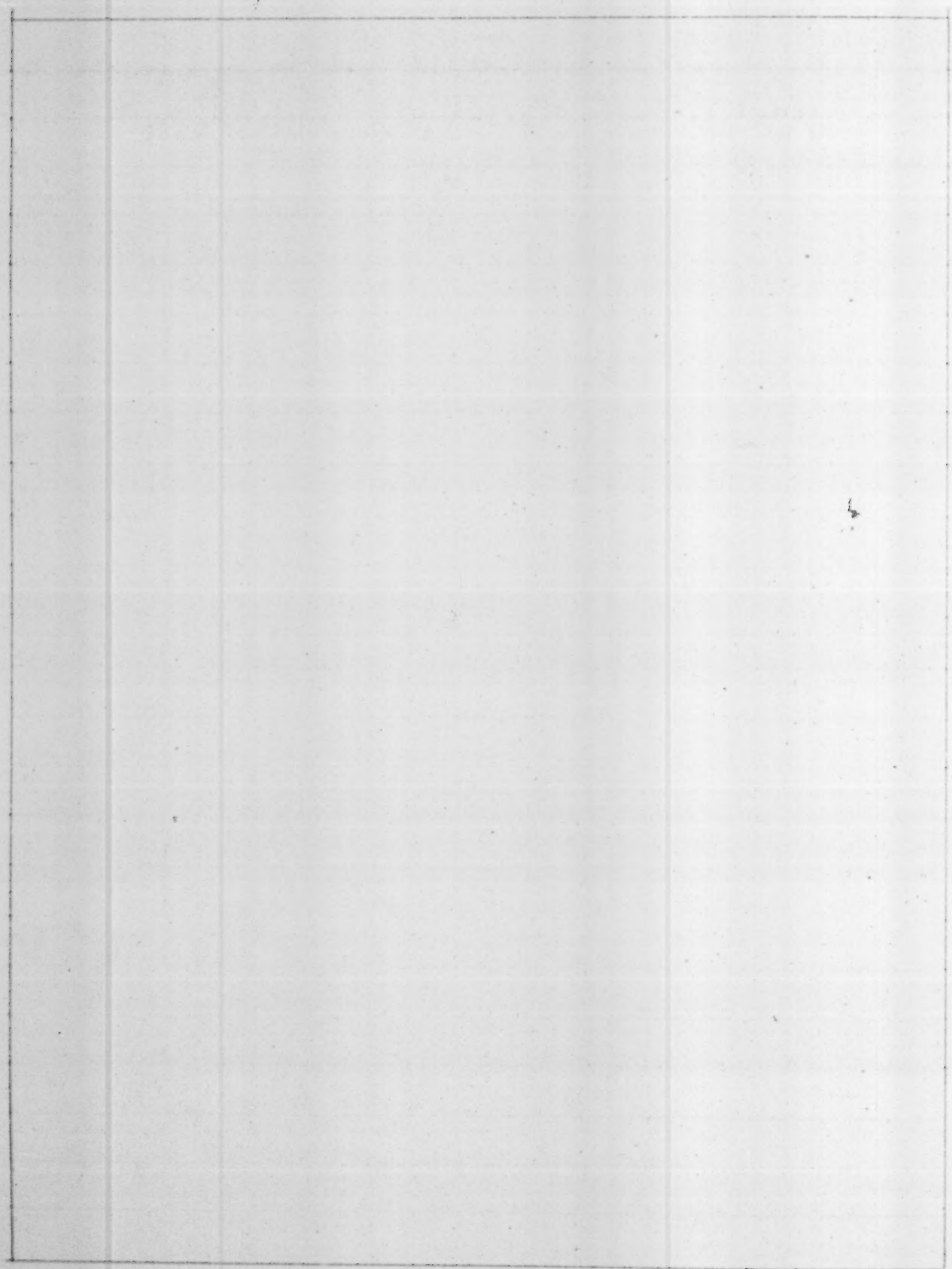
That there being no House appointed for the Governor, it may be proper to permit him to accept of an Allowance for one as in Barbadoes, and likewise to recommend it to the Assembly that his Salary be in Proportion to their present flourishing Circumstances the former appointment having been made in the Infancy of the Province.

That it be recommended to the Governor to take care that the Forces under Mr Oglethorpe's Command be Quartered agreeable to the Laws of the Province, so as to be least Burthensome to the People there, and in such Places as he with the Advice of the Council shall judge most for the Security of the Province under his Care.

That the last Clause in the 99th Article of the

the Instructions be left out it not being agreable to
Your Lordship's order nor at all required by the 31st
Instruction -

James Glen



B.P.R.O So Carolina B.T. Vol 10 G. 18

(31 July 1739)

At the Council Chamber Whitehall
the 31st of July 1739

By the Right Honourable the Lords of the Committee of Council for Plantation Affairs.

Whereas there was referred to this Committee by Order in Council of the 10th of this Instant the humble Memorial of Henry McCulloh Setting forth that His Majesty hath been pleased to appoint him to be Comptroller of the Quit Rents in South and North Carolina in Order to make the Petitioner a Check upon the Land Office and to prevent the evasion of His Majestys Orders in Relation to Grants of Lands made in the said Provinces, he therefore humbly submits whether it will not be for His Majestys Service that the 15th and 16th Instructions given to the Petitioner should be likewise given to the Governors of South and North Carolina and that the Governors should be directed to protect the Petitioner in the Execution of his Office and likewise that the Petitioner should be appointed a Member Extraordinary of the Council in those Provinces The Lords of the Committee this day took the said Petition together with a Copy of Mr McCullohs

15th

1111

15th and 16th Instructions thereto annexed into consideration and are hereby pleased to Refer the said Papers to the Lords Commissioners for Trade and Plantations to Examine into the same and Report their Opinion thereupon to this Committee

Ja. Vernon.

Recd
Read } Augst ye 2nd 1739

(Enclosure)

(Enclosure)

To the King's most Excellent Majesty in Councill

The Humble Petition of Henry McCulloh

Sheweth —

That your Majty having been Graciously pleas'd by your Royal Warrant to appoint your Petitioner Controller of Your Majtys Quit Rents in South and North Carolina in order to make your Petr a Checque upon the Land Office and to prevent your Majesty's Orders in relation to Grants of Lands from being evaded, Your Majesty in your 15th and 16th Instruction (Copies of which are hereunto annexed) hath in your Royal Wisdom thought proper to declare, that in Order to Remedy the Abuses which hath hitherto been practiced concerning the Grants of Lands, the Rules and Methods prescribed by the said 15 & 16 Instruction shall be duly observed

That the Power of disposing and making Grants of Your Majesty's Lands in the said Province being by their Commission vested in your Majtys Governors there under the Regulations and Restrictions for that Purpose contained in their Commission and Instructions, Your Petitioner most humbly Submits it to your Majestys all wise consideration whether it will not be for your

Majtys

Majtys Service that Instructions should be given to
your Majtys said Governors of the said Provinces of
North and South Carolina pursuant and agreable to
what your Majty has been pleased to Declare as your
Royal Will and Pleasure in the said 15th & 16th In-
structions so given in charge to your Petitioner.

That your Petr farther begs leave most humbly
to represent to your Majty that the Just Observance
of your Majtys Orders in the regulating the Land Office
and freeing it from the abuses that have hitherto
been too much encouraged, & in the Enquiry he is
to make into the many Frauds that have been
practiced may render him Obnoxious to some of
your Majtys Officers as well as those Planters who
may have been concerned in the said Frauds so he
most humbly offers it as what will be necessary for
your Majtys service that the Govrs of the said Provinces
should be ordered & required to take Effectual care
that no Person whatsoever shall be admitted to insult
or Disturb your Petr in the Execution of his Office &
that upon all Occasion they do give your Petr their
Protection & Support & be aiding & assisting in what-
soever he may do pursuant to the Powers Granted him
by your Majtys Commission & your Petr begs leave

likewise

likewise most humbly to submit to Your Majestys Consideration whether the constituting and appointing Your Petr a Member Extraordinary of Your Majtys Councills in the said Provinces will not greatly facilitate his carrying on Your Majestys Commission & Instructions into Execution & greatly lead to the promoting Your Majestys interest & service in the said Provinces.

Your Petr therefore most humbly lays the Premisses before Your Majesty and humbly Prays that Your Majesty will be Graciously pleased to take the same into Your Royal Consideration & to give such Orders & Directions therein as Your Majesty in Your consumate Wisdom shall think meet.

And Your Petr shall ever pray &c.

Henry McCulloh

Copy

Copy of His Majestys 15th & 16th Instructions to the Controller, Referred to by the annexed Petition

15th And Whereas many Inconveniences have arisen from the want of a proper Regulation in the Land Offices in Our said two Provinces of North and South Carolina in which they are expressly enjoyned not to Grant any more Lands than in the proportion of 50 Acres for each Person in the Grantees Family which number it was Our Royal Intention should have been seated and cultivated by the Persons for whom the same were so granted, in relation to which we are given to understand that in many Instances Our Orders have been evaded, For remedy thereof We are therefore graciously pleased to declare that it is our Royal Intention & Pleasure that all Persons Petitioning for Lands shall previous to their obtaining a Warrant thereupon prove their Rights before the Governor & Council, when at least four Members of the Council shall be present, not having any con-cern or Interest in the Lands petitioned for, and that if the Lands so Petitioned for are granted ac-cordingly in such Case the Warrants for granting the same be thereupon drawn up and signed by Our said Governor in Council and made returnable by

by the Surveyor within twelve Months at furthest from the dates thereof and that a Particular description of the lands so petitioned for be inserted in the Warrants and before the Warrants shall be delivered to the Surveyor a Docquet thereof be entered in the Auditors Office there, and that in Default of any of the said Particulars being observed the said Grants shall be void. 16th And We do further declare it to be Our Royal Will and Pleasure that when the Warrants shall be returned agreeable to the Directions contained in Our aforegoing Instructions the Grants shall be made out in due Form & that the Terms and Conditions on which such Warrant issued and the Lands were surveyed be particularly and expressly mentioned in the Respective Grants and that the said Grants shall be registred within Six months from the Dates thereof in Our Secretarys Office there and that a Docquet thereof be also entred in Our Auditors Office there or that in Default thereof such Grant shall be void; Copies of all which entrys Our Pleasure is shall be returned regularly home by the Proper Officers to the Commissioners of Our Treasury or to the Commissioners for Trade & Plantations within Twelve Months from the dates thereof. —

B.P.R.O. S. Carolina B.T. Vol. 10. F. 20

(8 Augt 1739)

Sir,

As there are several affairs before your Board, that I apprehend are of great consequence to the Province of Carolina, particularly relating to an Employment claimed by Mr Hammerton by vertue of His Patent, tho' directly contrary to the express laws and constant custome of the Province as I am informed And there being likewise a Petition of Mr Mc bullocks referred to their Lordships I beg you will move their Lordships that Mr Fury the Agent and I may have the liberty to attend the Board alongst with Mr Mc bullock previous to their making any report on Mr Hammertons business

I am

Sir

Your obedient Servant

James Glen.

Lond. Augt 8th 1739.

Recd / Read } Augt 8th 1739.

B. P. R. O. So. Carolina B. T. Vol. 10. F. 21.

With regard to the matter first prayed in Mr. McBul-loh's petition. Mr. Glen prays leave to observe that the Instructions given to the Governors of North and South Carolina have already been maturely considered by Yr. Lordships & settled in such manner as appeared to your Lordships most conducive to his Majesty's service & to the direction of the Governours in the due discharges of their Office. And the matters given in charge in the 15th & 16th Instructions and the method pointed at is the method that is at present followed in that Province in grant-ing Land. So that it is humbly apprehended that there is no need to review or alter the Governour's Instructions upon that account.

It is not to be supposed that the just observance of His Majesty's orders in regulating the Land Office can render the Comptroller obnoxious either to His Majesty's Officers or to any considerable number of Planters. If any of His Majesty's Officers shall be his enemies upon that account they ought to be displaced & punished. The Governour for his part is very sensible that it is his duty to take the most effectual care to protect the Petitioner and all other his Majesty's Subjects what-

-soever

soever from insults & disturbances in the discharge of their duty; and is determined to give the Comptroller & all his brother officers all the support and assistance that lies in his power, But he humbly offers it to your Lordship's consideration, whether giving him such an express instruction on the petitioners behalf as is desired, be not a thing of a very extraordinary nature & whether it may not be thought inconsistent with the impartiality that is required of him in the exercise of his Government, and whether it does not carry an imputation upon his character, as if it were expected that he would be guilty of a neglect of his duty in that subject without a positive instruction.

As to the constituting the petitioner a member extraordinary of his Majesties Councils in the said provinces which is the last & principal thing desired by the Petitioner Mr Glen submits it to Your Lordship whether so great an innovation in the constitution of the said Councils can be admitted without the most mature consideration. The number and qualifications of the Counsellors are already limited by the constitutions and Laws of the Colonies; and none are preferred by His Majesty to places in those

Councils

Councils. but men of considerable fortunes in the respective Plantations, and whose character & interest there have qualified them for that honourable trust. And the Governor will make it his business to nominate for that honour none but such as are qualified & whom he shall judge to be best affected to His Majesty & most able & likely to promote his service.

As the constituting a Court of Exchequer in South Carolina is now ordered by His Majesty in Council and a Patent is actually prepared for that purpose, Mr G. humbly conceives that the sd Court will be a proper jurisdiction and sufficiently impowered, to remedy the frauds & abuses in the Land Office which the Petitioner complains of And Mr G. offers it to Your Lordship's consideration, whether it may not be for His Majesty's service that this new Office should not be suspended or postponed to the constituting & establishing of that Court, that the Petitioners Office may not be made inconsistent with the jurisdiction of that Court.

On perusal of the Papers transmitted from Carolina relating to Mr Hammertons Claim particularly the Acts of Assembly of June 20. 1694 and Oct. 1698, it appears that before the passing of those Acts, and

and probably from the first settling of the Colony, there were two several & distinct Offices, the one called the Office of Register of the Province or rather Secretary & Register, the other Register of Lands, or as his stile is used more at large, register of mean conveyances and Mortgages of Lands. The former is an Officer of the Crown, and his Office relates wholly to the rights of the Crown, and to the affairs of State and Publick Government. The Office of the other was not intended to be a provincial but a precinct office & is of less dignity and relates merely to matters of private right.

The former of these Offices is granted to Mr. Bertie and Mr. Hamilton by the Letters Patents of Feb. 11. 1730, (in consideration of a surrender by Mr. Bertie of a former Grant of the same Office to him by the Lords Proprietors) which letters Patents are very well adapted to that purpose, with regard both to the description of the Office, and to the specification of the Powers to be exercised by virtue of it.

Mr. Bertie therefore rightly understood his Grant both from the Lords Proprietors & from the Crown, when he only claimed the former Office but never interfered with the execution of the latter; which as well before his Patent as since hath been granted from time to time

time by the Governour to hold during his Majestys pleasure.

The Patentee argues that the Registry of Lands is called generally the Registers Office in Charles Town in the Act of Assembly of 1698.

Answer. It is properly called so in a clause relating only to the Registry of Lands; the subject matter determining sufficiently what Registers Office is meant.

Mr Hammerton also insists that though none of the Powers specified in his Patent relate to the Office of the Register of Lands, yet his Patent gives him Power to do all other things usually & lawfully done by the Secretary & Register. And that the Secretary has held the Office of Register of Lands

Answer. These general words can only relate to such things as have been usually & lawfully done by the Secretary and Register, and not to such things as were done by virtue of the Office of Register of Lands or any other Office which he might accidently exercise. And to construe those words to imply a grant of another Office of a very different nature would be a very strange construction of a grant from the Crown.

It

It is also urged that the Office of Register of Lands is annexed to the Office of Secretary in all the other Plantations, and that His Majesty might intend to unite those Offices in Carolina in order to introduce a conformity in the government of all the provinces under His Majesty's administration.

Answer. That the Office of Register of Lands is annexed to the Office of Secretary in all the other Plantations is a point of fact which is denied. The Secretary is not Register of Lands in Jamaica or Virginia or the Leeward Islands, and their Lordships are the best judges of the truth of this. But however that be, it is plain that the King did not intend to annex any other Office to that of Secretary & Register by these Letters Patents, since his Majesty has been pleased to make use of the same words only in this grant, that were contained in the Grant surrendered by Mr Bertie, & which is not pretended to have comprised the Office of Register of Lands.

The Probate of Wills is a prerogative right of the Crown & is not a private matter like the registering of conveyances from one man to another.

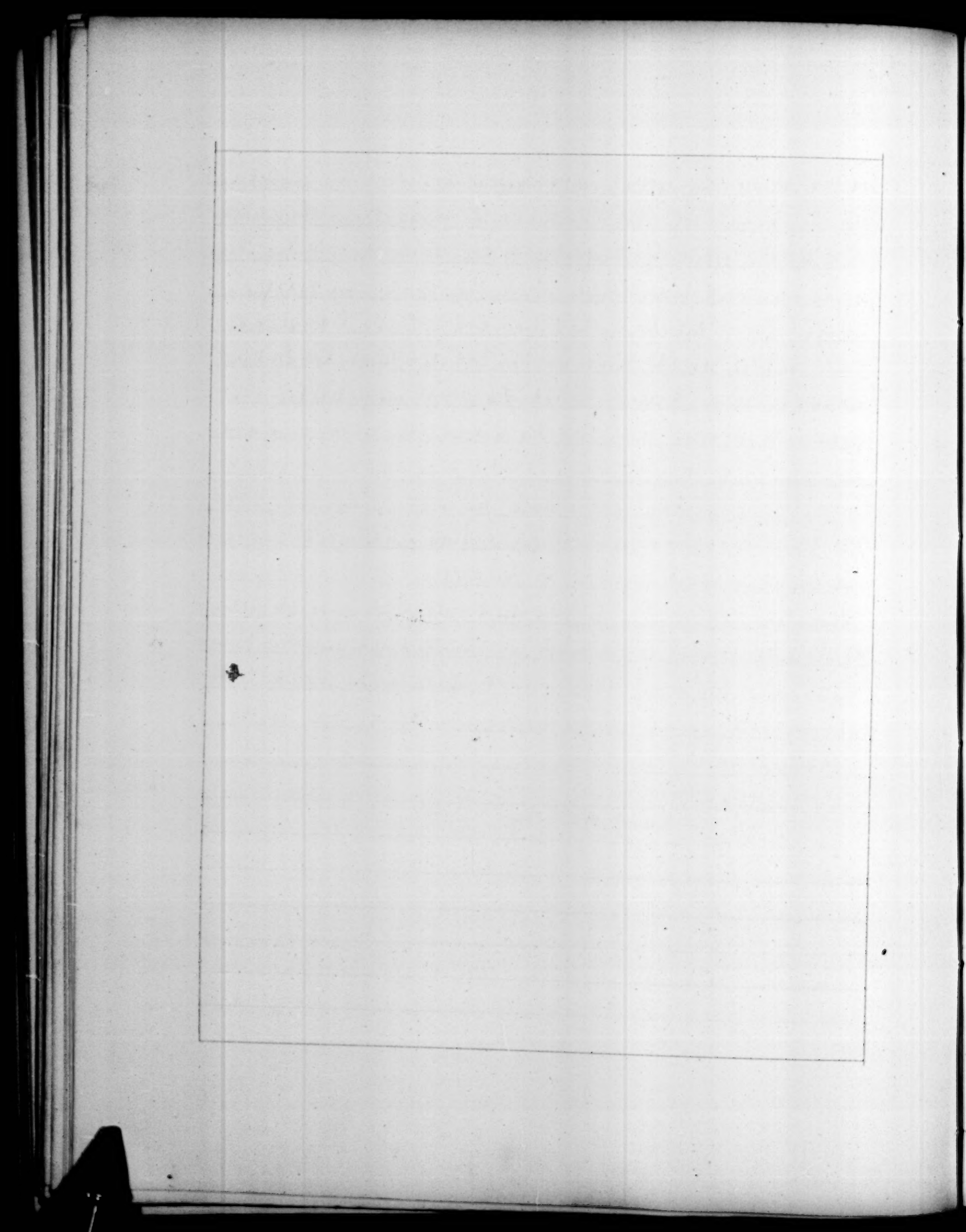
As the Quit Rent Act was passed since the date of Mr Hammertons Patent, it can only be insisted

on

on to shew the great inconveniences that are apprehended by the people of the Province to arise from the annexing of the office of Register of Lands to that of Secretary. and it is remarkable that this Act was passed long before Mr Hammertons arrival in Carolina, and before such time as the contents of his Patent were known here. And it does not appear by the Council books, that Mr Hammerton ever claimed the Office of Register of Lands till many years after.

It is upon the whole humbly insisted that Mr Hammerton's claim of the Office of Register of Lands by virtue of his grant of the Office of Secretary and Register, when the business of the Office of Register of Lands is not so much as hinted at in his Patent nor can by any fair construction be said to be comprised in it, is unwarrantable & not to be allowed.

Recd
Read } Augt 15th 1739.



B.P.R.O. So Carolina B.T. Vol 10. G.23

(16 Augt 1739)

Sir,

As Mr Glen has given to their Lordships a paper, his Objections against my being Register, I humbly desire their Lordships will be pleased to order me a copy of it that I may Answer it before they are pleased to make their Report thereon

I am

with great Regard

Sir

Your most Obedient

Servant

J. Hammerton

16 August 1739

Tho: Hill Esqr

Recd
Read } Augt 16. 1739

B.P.R.O. So Carolina B.J. Vol 27 p 1

(10 Aug 1739)

To the Rt Honble the Lords of the Committee of His Majtys most Honble Privy Council

My Lords

Pursuant to your Lordships Order of the 31st July. We have taken into Our Consideration the three first Articles of the Memorial of James Glen Esqr praying that some Alterations may be made in his Govt Instructions, and having had some Discourse with him thereupon We take leave to acquaint your Lordships with respect to the 1st Article

That tho' there may have been Disputes between the Council and Assembly in South Carolina in relation to Money Bills yet we see no reason to alter the 13th Instruction unless it be by leaving out the last Clause viz. "And you are hereby "expressly enjoyned not to allow the said assembly "or any of the Members thereof any Power or Privilege "whatsoever which is not allowed by us to the House "of Commons or the Members thereof in Great Britain" Which we think unnecessary but nevertheless submit it to your Lordships

As to the second Article we were of Opinion that

that the Instruction as it was first prepared was sufficient to induce the Assembly to make a proper Provision for the Governor, but if your Lordship should be of Opinion that he should be further instructed to recommend particularly to the Assembly to provide him a House or that he may be permitted to accept of a certain Sum in lieu of it. We have hereunto annexed an Instruction agreeable to that given to His Majesty's Governors of Barbados for the same purpose.

As to the third Article relating to the Quartering the Troops under Mr Oglethorpe's command We are apprehensive that if the Governor be instructed to Quarter them in such Places as he with the Advice of the Council shall judge most proper it may interfere with Mr Oglethorpes commission, and as We are not Competent Judges in these Affairs, We have not prepared any Instruction on that Head. We are

My Lords
Your Lordship's
most obedient and
most Humble Servant

Whitehall
August 10th 1739.

Monson. T. Pelham. Ja. Brudenell. R. Plumer.
and

And whereas there is no House appointed or set apart by Us for Our Governors, We are pleased to permit the General Assembly to assign or provide such a House or Rent for the same out of the publick Levies, and to allow you the Governor or Lieut Governor for the time being to accept thereof, until a House be built for you Our Governor or Lieut Governor the doing whereof you are earnestly to recommend to the General Assembly in Our Name

B.P.R.O. So Carolina B.T. Vol 27 p 14

(30 August 1739)

To the Right Honble the Lords of the Committee of His Majesty's most Honble Privy Council

My Lords.

Pursuant to your Lordships Order of the 31st of July last, We have had under Our Consideration the Petition of Mr Henry Mc Culloh submitting whether 'It will not be for His Majestys Service that Instructions should be given to His Majestys Governors of the Provinces of No and So Carolina pursuant and agreeable to what His Majesty has been pleased to declare as His Royal Will and Pleasure in the 15th & 16th Instructions given in charge to the Petitioner: And that the said Governors be Ordered and required to take effectual care that he be not insulted or disturbed in the Execution of his Office of Comptroller of His Majestys Quit Rents in North and South Carolina' And lastly that he be appointed a Member extraordinary of His Majestys Councils in ye said Provinces' Whereupon We take leave to represent to your Lordships.

That We have compared the 15th & 16th Instructions annexed to Mr Mc Culloh's Petition with

with the Copy of the Original Instructions entered in this Office and find them to be agreeable to the said Copy. We likewise find them to be conformable in substance to the Memorial of Mr. McCulloh, referred to Us by your Lordships Order of the 27th of May 1738 in favour of which We made Our Report to your Lordships the 21st of June following for the appointment of an Officer for the comptrolling and inspecting the Quit Rents. And as We are of Opinion that the 15th and 16th Instructions given to Mr McCulloh are proper to prevent many abuses and frauds that may hitherto have been practised in relation to Grants of Lands, so We apprehend it will be for His Majesty's Service that the said Instructions should be given to His Governors of North and South Carolina whom they more immediately concern.

We are likewise of Opinion that it would be for His Majesty's Service that His Governors of North and South Carolina should be aiding and assisting to Mr McCulloh in carrying into execution His Majtys Commission & Instructions for the purposes therein contained, and considering the Importance of his Office, and to give a greater Sanction to it,

We

We are also of Opinion that it would be for his majestys Interest and Service that he should be appointed a Councillor Extraordinary in the said Provinces of North and South Carolina

We are
My Lords
Your Lordships
most obedient and
most humble Servants
M. Bladen
Ja. Brudenell
R. Plumer

Whitehall
August 30th 1739

B.P.R.O: So Carolina B.T. Vol. 27. p. 7.

(30 Augt 1739)

To the Right Honble the Lords of the Committee of His Majestys most Honble Privy Council

My Lords,

Pursuant to your Lordship's Order of the 27th July 1738 We have taken into Our consideration the Petition of John Hammerton Esqr "Praying that "His Majesty will be pleased to give such directions "for Establishing him in the due Exercise and Enjoyment of the Office of Register of South Carolina "as His Majesty in His great Wisdom and goodness "shall think fit." Whereupon We take leave to acquaint your Lordships.

That we find by his Patent "he is to be present "at all Meetings of the Governor and Council and of "the Assembly and to keep an exact Register of all their "Proceedings, Acts and Orders, and also to receive from "the Surveyor or Surveyors General all Certificates of Lands "by him set out and Survey'd, and to draw up all "Leases Conveyances and Assurances of Lands and to "Enroll the same and to do and perform by himself or "by his Deputy all other Acts usually done by the former "Secretary in the Province."

We

We have also been attended by Mr Hammerton on this Occasion and have had before us several Papers relaing to this Affair; that were transmitted hither by the Governor and Council of South Carolina upon a dispute that happened in 1732 between the late Govr and Mr Hammerton upon the Governors appointing his Son Register of Lands.

We have likewise been attended by Mr Glen His Majestys Governor, and having heard what he had to offer We take leave to represent that we find Mr. Hammerton has been admitted to and does enjoy all the Branches particularly mentioned in the Patent.

But there is likewise an Office for Registering Mesne Conveyances & Mortgages which he also claims alledging that it was enjoyed by his Predecessors as Secretarys and Registers of the Province, & therefore ought to be enjoyed by him.

We do not find when this Office for Registering Mesne Conveyances and Mortgages was first established, but by an Act of Assembly passed in 1694 Entituled an Act for the better and more certain keeping and preserving of all Registrys and Publick Writings of this part of this Province, which Act was to be in force three years only, We find several

several directions for keeping the Records in that Province and after describing in what manner ye Secretary of the Province shall Register Original Grants of Land and other Branches of his Business and likewise what some other Officers shall do. It proceeds and says likewise how the Register of Lands shall keep his Records.

Mr Hammerton alledges this Business was done by the Secretary of the Province at that time, and was always executed by the same Officer till the year 1719 when Governor Nicholson who was appointed Provisional Governor of that Province, nominated a Separate Officer for the Registering the Conveyances and Mortgages of Lands.

We find likewise that an Act was passed in 1719 for reviving the Act of 1694, and as it no where appears by the Papers before us, how or by whom that Officer was appointed before the year 1719. It may be presumed on what Mr Hammerton alledges, which is not contradicted by the Person who contested this affair with him that the Secretary of the Province might also be Register of Lands before that time but the Officer so appointed by Governor Nicholson continued to Execute the Office for Registering of Lands till the year 1723, when he resigned and another was appointed

appointed by the said Governor in his room, which Person was continued in this Office by the succeeding Governor unmolested notwithstanding Mr Bertie was appointed Secretary and Register of the Province by Patent under the Lords Proprietors in 1725 in as full and ample Manner as Mr Hammerton is by the Patent now before us, and the office for Registering Conveyances and Mortgages of Land was a separate Office at the time the Patent for creating the Office of Secretary and Register was past to Mr Bertie & Mr Hammerton.

Having thus laid before your Lordships the state of the Case as it appears to us, from such Acts and Papers as are before Us, and not finding by any of the said Acts that there was a particular Appointment of any such Officer, We must submit whether His Majesty may not be graciously pleased to declare his Intention that it shall be enjoyed by the present Secretary and Register of the Province, provided he do take care to keep all the Books for Registring Mortgages & Mesne Conveyances of Land in a distinct & separate Office. We are

My Lords &c.

Whitehall
August 30th 1739.

M. Bladen. R. Plumer.
Ja. Brudenell

B.P.R.O. So Carolina B.T. Vol 11 G 41

(6th Sept 1739)

At the Court at Kensington
the 6th of September 1739.
Present
The Kings most Excellent Majesty
in Council

Upon reading at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation affairs dated the 3d. of last Month in the words following - Vizt

Your Majesty having been pleased by your Order in Council of the 31th of July last, to refer unto this Committee, a Representation from the Lords Commissioners for Trade and Plantations, upon a draught of General Instructions, and of those relating to the Acts of Trade and Navigation for James Glen Esqr whom your Majesty hath been pleased to appoint Governor in Chief and Captain General of South Carolina - The Lords of the Committee in Obedience to Your Majestys said Order of Reference did on the 31st of the said Month take the said Representation and Draughts of Instructions into their Consideration, whereby It appeared that the said

said Instructions were prepared agreeable to those given to the last Governor, Excepting that in the Draught of General Instructions the 13th Article is omitted, directing the Governor to take care that the Salarys or Pay of the Assembly Men should be reduced if they were found too high, in regard the Assembly Men in that Province have no Salarys or Pay, and that the 100th Article relating to Paper Money is added in pursuance of an Order of your Majesty in Council:- That Mr Glen having presented a Petition to this Committee, desiring some further Alterations to be made in the Draught of General Instructions- Their Lordships thought it proper to refer the same together with the said Draught of Instructions to the Lords Commissioners for Trade and Plantations who having made their Report thereupon. The Lords of the Committee this day took the same into Consideration, whereby it appears, that the said Lords Commissioners Propose the following Additional Alterations to be made therein - Viz:

To leave out the last Clause of the 13th Instruction whereby the Governor was expressly enjoyned not to allow the said Assembly or any of the Members thereof any Power or Priviledge whatsoever which

is

is not allowed by Your Majesty to the House of Commons or the Members thereof in Great Britain.

To add a Clause to the 26th Instruction for Empowering the Governor to Recommend to the Assembly to Provide him a House or to allow him a Sum of Money in lieu thereof and for permitting him to accept thereof, in the same Manner as is Graated to the Governor of Barbados.

The Lords of the Committee having Considered the several Alterations and being of Opinion that they were proper to be made in the said Draught of Instructions, have therefore caused the same to be made accordingly - And do humbly offer to Your Majesty the said Draught relating to the Acts of Trade and Navigation as Proper for Your Royal Approbation. —

His Majesty this Day took the said Report into Consideration, and was pleased with the Advice of His Privy Council to approve of the said Draughts of Instructions together with the said Alterations and to Order as it is hereby Ordered that His Grace the Duke of Newcastle, His Majestys Principal Secretary of State, do Cause the said Draughts (which are here unto annexed) to be prepared

for

for His Majesty's Royal Signature. —

A true Copy
W. Sharpe

Recd Septr 22nd
Read Octr 16th } 1740

B.P.R.O. S. Carolina B Y Vol 27 p. 13.

(12th Sept. 1739.)

To William Bull Esqr

Sir,

Since our last to you of February the 10th 1738 We have received yours of April ye 20th & of July 20th 1738, as likewise your Representation setting forth His Majestys Right to the Province of Carolina wth the Depositions & other Papers in support thereof.

We sent to His Grace ye Duke of Newcastle for His Majestys Information, a copy of that of April 20th relating to the preparations of War the Spaniards are making and their Designs to invade Carolina, in order that proper measures might be taken for the Defence and Security of that Part of His Majestys Dominions.

In pursuance of an Order of the Committee of His Majestys Council, dated May the 19th 1738, We made our Report to the said Committee on the 25th of July following that the Importance of the Province & the Posture of Affairs in America are such that, tho we were not capable of determining what Quantitys & Species of Stores were requisite for that Service, We were

were, however of Opinion that His Majesty might be graciously pleased to grant such supplys as he in his Royal Wisdom should think convenient.

We likewise on the 27th of the same month recommended your Representation abovementioned with the other Papers on the same Subject to His Grace the Duke of Newcastle, as Matters of great Moment to His Majesty's Service. As we have also done with respect to what you wrote to Us in yours of the 20th July 1738. concerning ye Chactaw Indians, which is all we have to say at present, on those Subjects, so we bid you heartily farewell and are

your very loving friends
and humble Servants

M. Bladen
Ja. Brudenell
R. Plumer.

Whitehall
Sept 12th 1739.

B.P.R.O. A & N.I Vol. 623.

(28 Sept. 1739.)

George R.

Whereas We have thought fit, that the Particulars undermentioned should be forthwith sent to Our Province of South Carolina, for the Defence and Security of Our said Province, and of Our Colony of Georgia, Viz.t

Howitzers or Eight Inch Mortars	2
Fixed Shells for the same	400
Spare Fuzes for D.o	100
Spades	1000
Shovels	1000
Pick Axes	100
Hand Hatchets	500
Hand Bills	500
Felling Axes	20
Musquets with Bayonets & Cartouch Boxes	1000
Musquet Shot	30 Barrels weight
Match, Half a Ton, or	10 Barrels weight
Sand Bags	10,000
Fixed Coehoorn Shells	2000
Gun Powder	600 Barrels

Our Will and Pleasure is, That out of Our Stores remaining

remaining within the Office of Our Ordnance under your charge, you cause the same to be forthwith issued and sent thither & delivered to James Oglethorpe Esqr Gl and Br in Chief of Our Forces in South Carolina & Georgia taking the usual Indents, and you are to insert the charge thereof in your next Estimate to be laid before Our Parliament. And for so doing this shall be, as well to you as to all other Our Officers concerned, a sufficient Warrant Given at Our Court at Kensington the 28th day of September 1739 in the Thirteenth Year of Our Reign.

By His Majesty's Command
Holles Newcastle.

Warrant for delivering Ordnance Stores, to be sent to South Carolina

To Our Right Trusty and Right Entirely Beloved Cousin and Councillor, John Duke of Argyll and Greenwich, Master General of Our Ordnance

B.P.R.O. A & W.I. Vol. 623.

To His Grace the Duke of Newcastle, His Majestys Principal Secretary of State.

The Memorial of John Hammerton Secretary of South Carolina

Sheweth,

That your Grace's memorialist being informed that Mr Childermas Croft of South Carolina is making application to be Clerk of the Assembly in that Province, Your Memorialist therefore humbly presumes to acquaint your Grace, that the Appointment of a Clerk to the Assembly in South Carolina is vested in your Memorialist, by virtue of His Majestys Royal Letters Patent to him as Secretary of that Province It being in the said Patent inserted, viz. "That your Memorialist or His Deputy or Deputys shall be present at all meetings of the Governor and Council and of the Assemblies, and to keep an exact Journal or Register of all their Proceedings Acts and Orders" By which your Memorialist humbly Conceives, that he has the Appointment of the Clerk of the Assembly, as well as the Clerk of the Council, which he now enjoys

And although your Memorialist did not sooner

put

put in his claim to this his appointment of Clerk of the Assembly, yet he humbly relys upon Your Graces Known Equity, in all affairs under Your Graces Cognizance, not to dispossess him of his just Right thereto

All which is most humbly submitted to your Grace.

B.P.R.O. So Carolina B.T. Vol. 10 G. 28.

Charles Town So Carolina 5th Octr 1739.

My Lords

I beg leave to lay before your Lordships an Account of our Affairs, first in regard to the Desertion of Our Negroes, who are encouraged to it by a certain Proclamation published by the King of Spain's Order at St Augustine declaring Freedom to all Negroes who should desert thither from the British Colonies, since which several Parties have deserted and are there openly received and protected, many attempts of others have been discovered and prevented, notwithstanding which on the 9th of September last at night a great Number of Negroes arose in Rebellion, broke open a Store where they got Arms killed twenty One White Persons, and were marching the next morning in a Roaring manner out of the Province, killing all they met, and burning several Houses as they passed along the Road. I was returning from Granville County with four Gentlemen and met these Rebels at eleven o'clock in the forenoon and fortunately discerned the approaching Danger time enough to avoid it, and to give notice to the Militia who on that Occasion behaved with so much expedition and bravery, as by four a Clock the

Same

same day to come up with them and killed and took so many as put a stop to any further mischief at that time, forty four of them have been killed and Executed some few yet remain concealed in the Woods expecting the same fate, seem desperate. If such an attempt is made in a time of peace what might be expected if an Enemy should appear upon our Frontier with a Design to Invade us? which we have great reason to expect upon the first Notice of a Rupture, being fully informed by several hands of the great Preparations made some time ago at the Havana, which according to late accounts lye ready waiting only for Orders to put that Design in Execution.

It was the Opinion of His Majesty's Council with several other Gentlemen that one of the most effectual means that could be used at present to prevent such desertion of our Negroes, is to encourage some Indians by a suitable Reward to pursue and if possible to bring back the Deserters, and while the Indians are this employed they would be in the way ready to intercept others that might attempt to follow, and I have sent for the Chiefs of the Chickasaws living at New Windsor and the Catawbaw Indians for that purpose.

From the Governor of New York I have advice

that

that about the tenth of July an Army consisting of two hundred French and five hundred Indians, was marched from Montreal and was to be Enforced by other French & Indians on their March. that they were designed against some Indians scituated near a branch of the Miscicipi River in Amity with this Majestys Subjects and have a Trade with the People of Georgia and Virginia. I imagine that the design of this Army is against the Chickesaws who are a small but a brave people living near the Miscicipi River who have already twice withstood and defeated the French about three years ago. I have therefore sent to those Indians to give them Notice of the Danger I apprehended to be comming on them. I have been informed that the French have a design to cut off the Chickesaws entirely and to reduce and subdue the Chactaws, if they should succeed in these attempts it would discouradge the Indians in Amity with us from withstanding and opposeing them in any other attempt of the like nature.

The French have for a long time wanted an opportunity to get an Interest among the Cherokees and build a Fort there, as this Army which the French now have in its march from Montreal, will come down

a

a branch of the Missicipi which runs near the Cherokees they probably will Endeavour to get the Consent of those people to build a Fort there which may enable them to have a considerable Influence in that Nation, as they have already among the Upper Creek Indians by their Fort at the Albamas.

The Cherokees for two or three years passed have Entertained one Priber, a Saxon a man of Ill principles but insinuated himself so much in their favour that they protected him and would not suffer him to be brought down by a person sent from this Government for that purpose. I am lately informed that he is gone with ten of the Cherokees to the French in order to make a Peace with them and I am afraid will be a means to Introduce the French to Settle a Fort there.

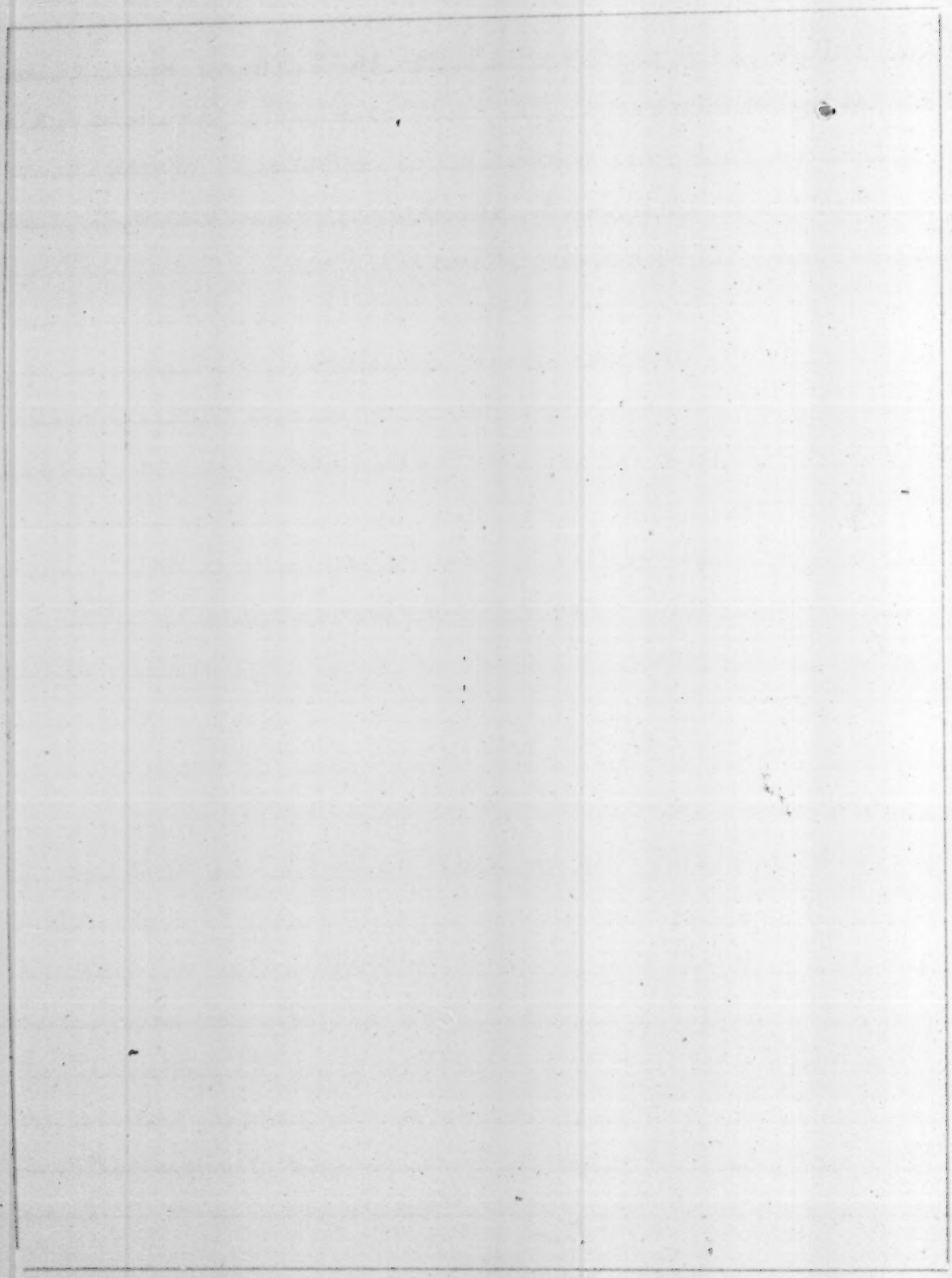
I apprehend that the Limits of the Charter granted by His late Majesty King Charles the Second to the Lords Proprietors of Carolina, since Surrendered to His present Majesty Includes the Cherokees, and your Lordships best know whether that is not a sufficient Objection against the French's taking possession of Land by a Fort within the limits thereof, doubtless the French will endeavour to accomplish this as soon as possible as it will be such a Considerable Step towards their grand design

in

in Surrounding the British Colonies, as their Success in these designs might interrupt the Security of His Majestys Subjects in Case of a War, I thought it my duty to acquaint Your Lordships therewith. I am with the greatest Respect

My Lords
Your Lordships
Most Obedient and
most humble Servant
Wm Bull

Recd Dec. 10th
Read " 12th } 1739

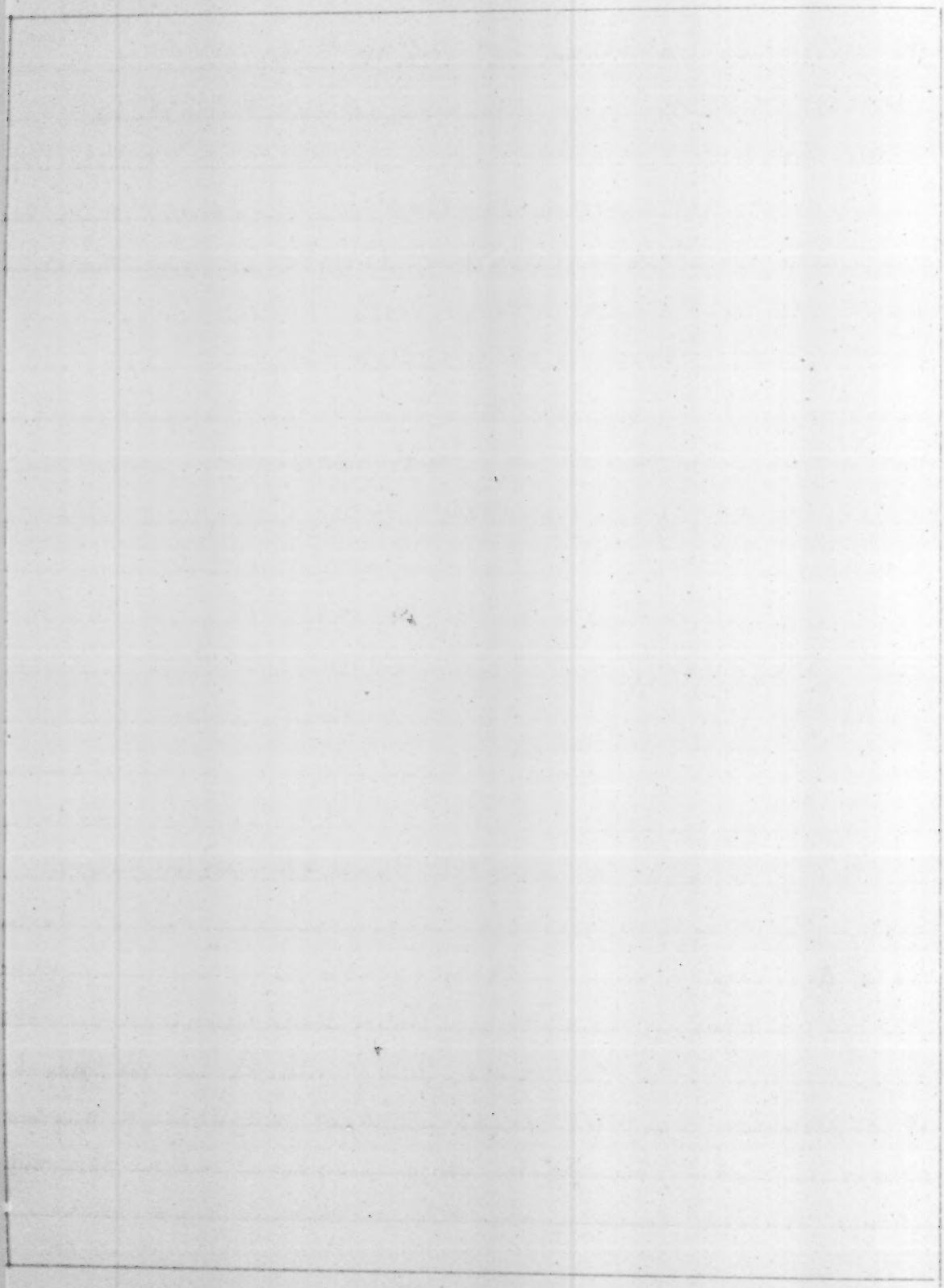


B.P.R.O. So Carolina B.T. Vol 10 G 29
Plantation Office

The
Report of the
Committee
of the
Commons House of Assembly
of the
Province of South Carolina
on the
State of the Paper Currency of the
said Province

Recd
Read } Janry 31st 1739/40

N.B. This is a printed Pamphlet of 46 pages.



B.P.R.O. a + N.S. Vol 19. p. 97

Charles Town So Carolina

My Lord. 5th Octob 1739.

By the Tartar Pink I am Honoured with His Majestys Commands under His Royal Sign Manual and also with your Graces Letter further Signifying His Majestys Pleasure. I shall always endeavour in the best manner to answer his Majestys gracious Intentions by pursuing these Orders in every particular and by a Proclamation have made known the same.

I had the Honour some time ago to lay before your Grace, some account of Our Affairs in regard to the desertion of Our Negroes who are encouraged to it by a certain Proclamation published by the King of Spain's Order at St Augustine, declaring Freedom to all Negroes who should Resort thither from the British Colonies; since which several parties have deserted and are there openly received and protected; many attempts of others have been discovered and prevented notwithstanding which on the Ninth of September last at night a Great number of Negroes arose in rebellion, broke open a store where they got arms Killed twenty one White Persons and were

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marching in a daring manner out of the Province killing all they met and burning the Houses on the Road through which they passed, returning in my way from the Southward with four Gentlemen, I met these Rebels at Eleven o'clock in the Forenoon, so that I fortunately discerned the danger time enough to avoid it and to give notice to the Militia who on the Occasion behaved with so much expedition and bravery as by four o'clock the same day to come up with them, and killed and took so many as put a stop to any further mischief at that time. Forty four of the Rebels have been killed & Executed, some few yet remain concealed in the Woods and expecting the same Fate seem desperate If such an Attempt was made in a time of Peace and Tranquility what might be expected if an Enemy should appear upon our Frontier with a design to invade us? which we have great reason to expect upon the first Notice of a Rupture, being so fully informed by several hands of the great preparations that were made some time ago at the Havana which according to an Account I lately received lye ready waiting only for Orders to put that Design in Execution, I have pursuant to His Majestys Orders

given

given Notice thereof to ye Commander of His Majestys Ships

It was the Opinion of His Majestys Council with several other Gentlemen, that one of the most effectual means that could be used at present, to prevent such desertion of Our Negroes is to encourage some Indians by a suitable reward to pursue and if possible to bring back the deserters, and while the Indians are thus employed they would be in the way ready to intercept others that might attempt to follow, and I have sent for the Chicasaws lieing at New Windsor and the Catabaw Indians for that purpose.

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The French have for a long time wanted an opportunity, to get an Interest among the Cherokees and build a Fort there. As this Army which the French now have on its March from Montreal will come down a branch of the Missisipi River which runs near the Cherokees, they will probably endeavour to get the consent of those People to build a Fort there which may enable them to have a considerable Influence in that Nation as they have already among the Upper Creeks by their Fort at the Albamas.

I apprehend that the Limits of the Charter granted by His late Majesty King Charles the Second to the Lords Proprietors of Carolina, since surrendered to His present Majesty, includes the Cherokees and your Grace best knows whether that is not a

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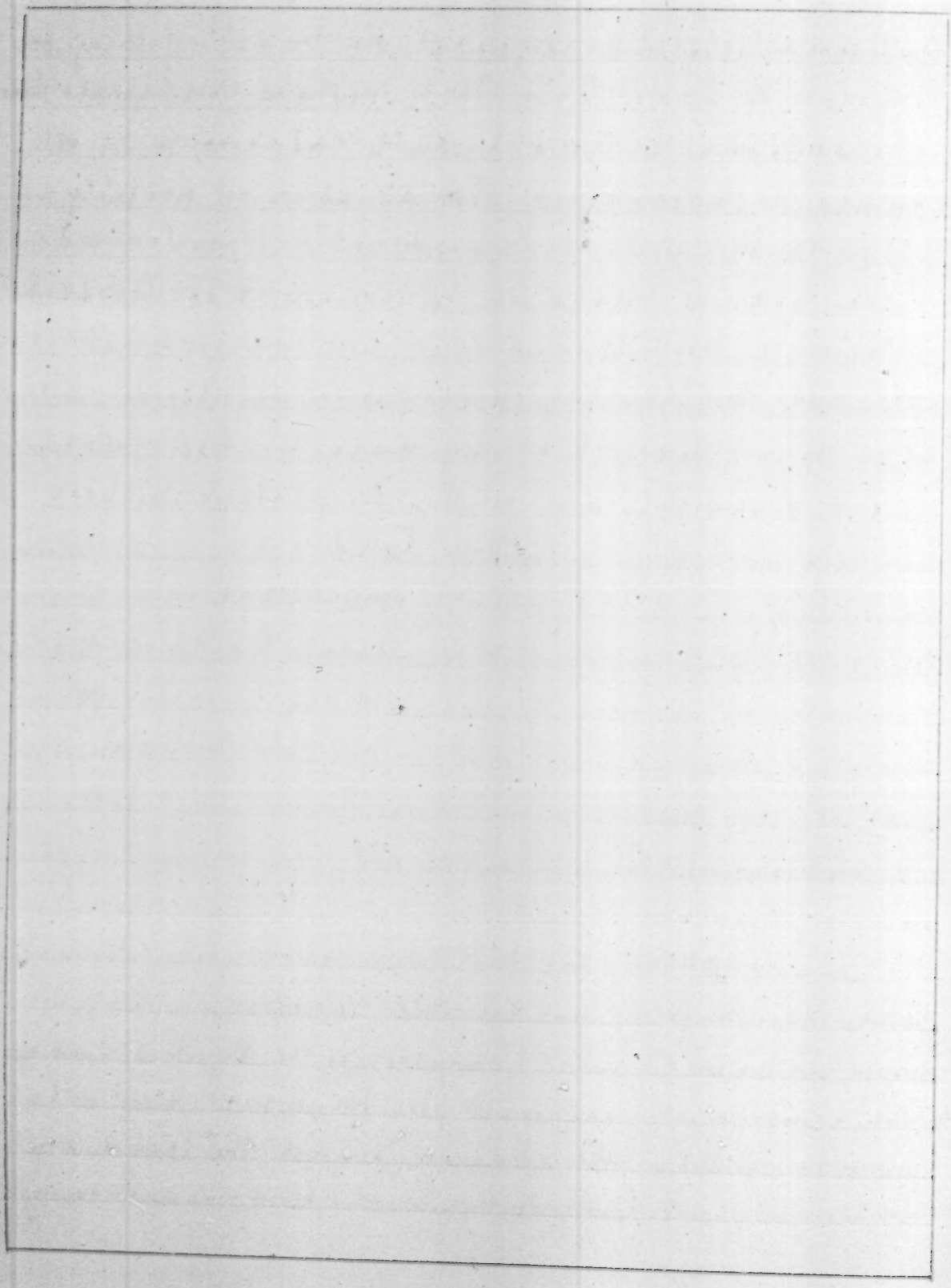
My Lord

Your Graces

Most Obedient and

Most humble Servant

Wm Bull.



B.P.R.O. C & W I. Vol 19 p. 98.

(17 Nov 1739)

Extract of a Letter dated 17th Nov 1739 from the Committee of Assembly of South Carolina to Mr Fury agent to the said Province.

We should not omit to let you know, that the Lieutenant Governor last week received an Express from the Chickesaws, that the French are arrived near their Border with two thousand men French and Indians, who are to join from Montreal near Canada and New Orleans, near the Mouth of the Mississippi River, and are hourly expected to fall upon the Chickesaws not consisting of above 500 fighting men, who 'tis greatly feared will fall a sacrifice to the Enemy, and 'tis an inevitable consequence, that if the French succeed, the Creeks will follow, or by joining the strongest side be forced to fall on this Province.

We shall not fail in a short time to lay before His Majesty an Humble Representation of the present unfortunate condition of this Province and of the dangerous consequence. We have just reason to apprehend from the conquests which the French are continually making of the Indians in alliance with this

this Government and from the open and secret attempts of the Spaniards of St. Augustine upon our Slaves by which means (as we justly apprehend) many of them have been incited to rise in rebellion against us with an Expectation no doubt of retiring thither after having perpetrated several barbarous Murders upon his Majestys Subjects of this Province.

B.P.R.O. So Carolina B.T. vol 10 G 31.

(20 Nov 1739.)

My Lords

I beg leave to acquaint your Lordships that this Province has been lately visited with an Epidemical Fever which raged chiefly in Charlestown & carried off great Numbers of People, amongst whom died Mr Chief Justice Wright, Maurice Lewis Esqr Judge of the Vice Admiralty & Master in Chancery Mr Higginson Surveyor & Comptroller of His Majesty's Customs Mr Amyand Clerk of the Assembly & Mr Strahan Register of the Court of Vice Admiralty.

The next Wednesday after the Death of Mr Chief Justice Wright being the Day appointed by Law to hold the Sessions, I appointed Thomas Dale Esqr (one of the Assistant Judges) to hold that Court, But as the Office of Chief Justice was a place of Importance, I thought proper to consult the Gentlemen of the Council in the filling up of that Vacancy, Who were of Opinion that Benjamin Whitaker Esqr was the most proper person; & he was thereupon appointed by me till His Majesty's Pleasure is known, And I have also appointed William Frewin Esqr to be Judge of the Vice Admiralty. Mr Alexander Cramahe Master in Chancery, Mr Gledstones

Childermas Croft Clerk of the Assembly & Mr William Freeman Register of the Court of Vice Admiralty.

The late Chief Justices Death having occasioned a vacancy in His Majesty's Council I presume to recommend to your Lordships Col. Joseph Blake a Gentleman of great Interest & Integrity & well qualified for that Trust. He was one of the late Lords Proprietors, and impowered General Nicholson when he went from Carolina to make an offer of his Eighth part of this Province to his late Majesty.

In my last I had the Honour to acquaint your Lordships that the French with some Indians were on their March from Montreal against some Indians near Miscicipi, who are at peace and have a Trade with His Majestys Subjects. I have just received Advice that those Forces have taken possession & built a Fort on a Branch of the Miscicipi River where they are to be joyned by other French and Indians from New Orleans. This Fort is within four days March of the Chickesaws Indians, who are a brave People consisting of about five or six hundred Men. They withstood & Defeated the French in two Attacks about two or three Years ago, but are now under great apprehension of being destroyed by

by the great Number of their Enemies who are assembled so near them, that they now think it unsafe to retreat & are determined to wait the event in their own Towns.

I am with the greatest respect
My Lords
your Lordships
most Obedient & most
Humble Servant
Wm Bull

Charles Town the
20th November 1739.

To the Right Honble the Lords of Trade

Recd Febry 14th
Read Do 15th } 1739/40



B.P.R.O. A. & W.I. Vol. 19. p. 100

(27th Novr 1739.)

To the King's most Excellent Majesty.

The humble Address of the Council and Assembly of Your Majestys Province of South Carolina.

Most Gracious Sovereign,

We your Majestys most Loyal and Dutiful Subjects, the Council and Assembly of the Province of South Carolina take the earliest Opportunity, upon our first meeting in General Assembly of returning your Majesty our most sincere and humble Thanks for the Warlike Stores your Majesty has been Graciously pleased to bestow upon us, for the Defence of this Province.

This is so Remarkable an Addition to the many Royal Favours heretofore conferred upon us by your Majesty, that we have the highest and most grateful Sense of your Majesty's Royal Care, extended even to the most remote of your Subjects. We beg leave to assure your Majesty, that with hearts full of Loyalty, we shall use our utmost Efforts to vindicate your Majestys Honour in the Defence of this Province against the Attempts of your Majestys Enemys and endeavour at all times, and on all Occasions to

give

give Proofs of our sincere Affection to your Majestys Royal Person and Government, and of our unfeign'd Zeal for your Service.

Council Chamber 27th November 1739.

By Order of the Board.

A. Skene.

In the Commons House of Assembly the 27th day of November 1739.

By Order of the House

Chs Pinckney Speaker

B.P.R.O. A. & W.I. Vol. 19. p. 99.

Council Chamber 28th Nov. 1739.

My Lord,

This Province having felt the good Effects of His Majesty's favour, by the assistance of your Graces powerfull Intercession in obtaining to compleat a Set of Ordnance & small arms for the Defence of Carolina, the Council and Assembly are desirous by the first opportunity to shew their Gratitude & return their unfeigned thanks to His Majesty, in a most dutifull address, which they have desired me to forward in Order to be laid before His Majesty.

The favour and regard which your Grace was pleased to shew for the Welfare of Carolina when I had the Honour to apply to your Grace in behalf of this Province for obtaining this Ordnance has encouraged me on this occasion to beg that your Grace will continue your Patronage, and at a proper time to lay before His most Sacred Majesty, the humble Address of thanks of the Council & Assembly of this Province which I herewith send to Our Agent Mr Fury who will attend your Grace therewith. I am with the greatest respect

My

My Lord
your Graces
Most obedient and most
humble Servant
Wm Bull.

To His Grace the Duke of Newcastle.

B.P.R.O. So Carolina B.T. Vol. 27 p. 114

(13th Dec. 1739)

To His Grace ye Duke of Newcastle

My Lord,

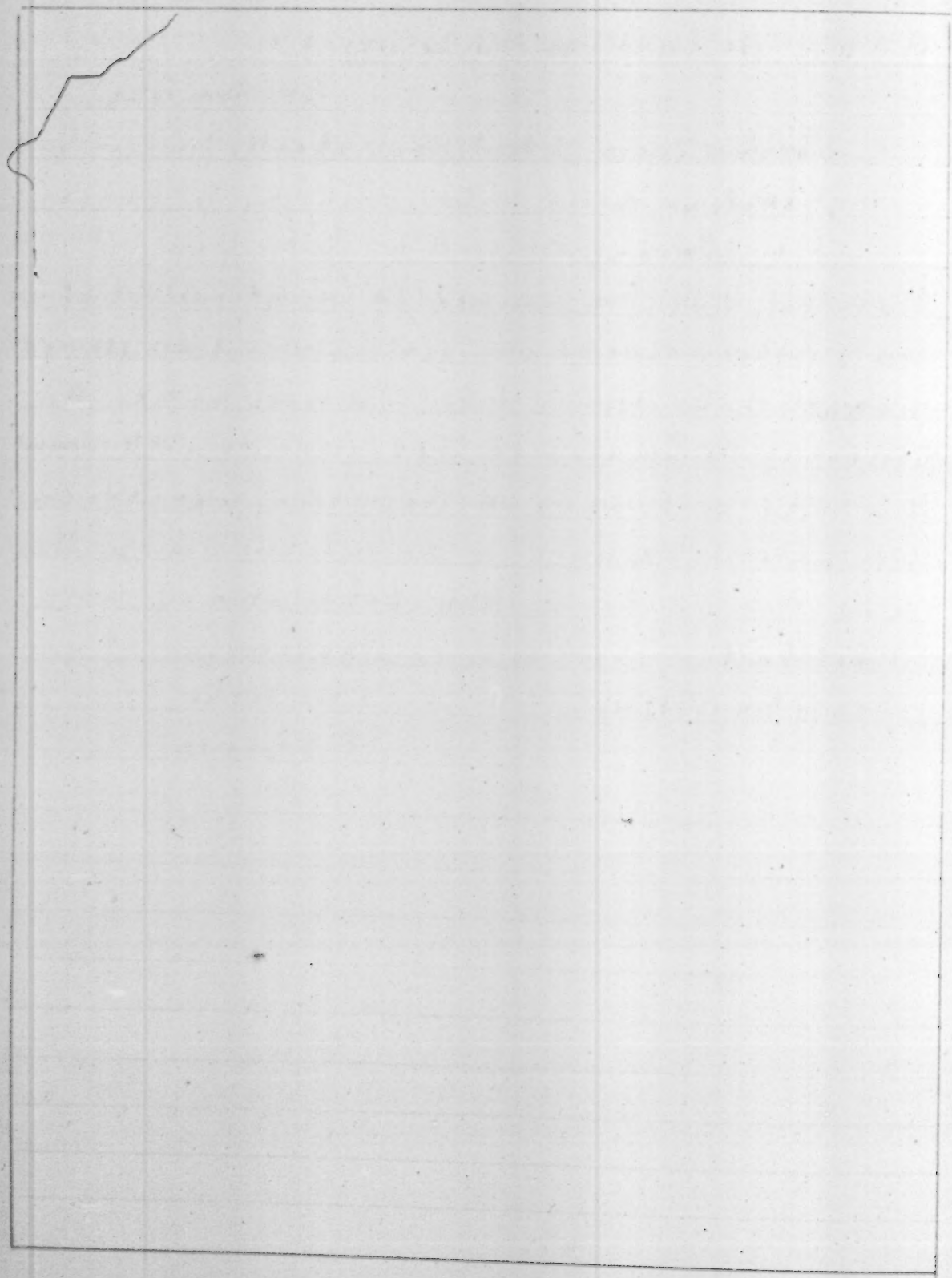
Having received a Letter from Col. Bull President of the Council and Commander in Chief in South Carolina, dated the 5th of October last, giving an Account of the Affairs of that Province and of the Designs of the French and Spaniards; we take leave to enclose a copy of the same for your Graces Information. We are

G. 28.

My Lord &c

Whitehall
December 13th 1739.

Monson
Edw Ashe
W Plumer

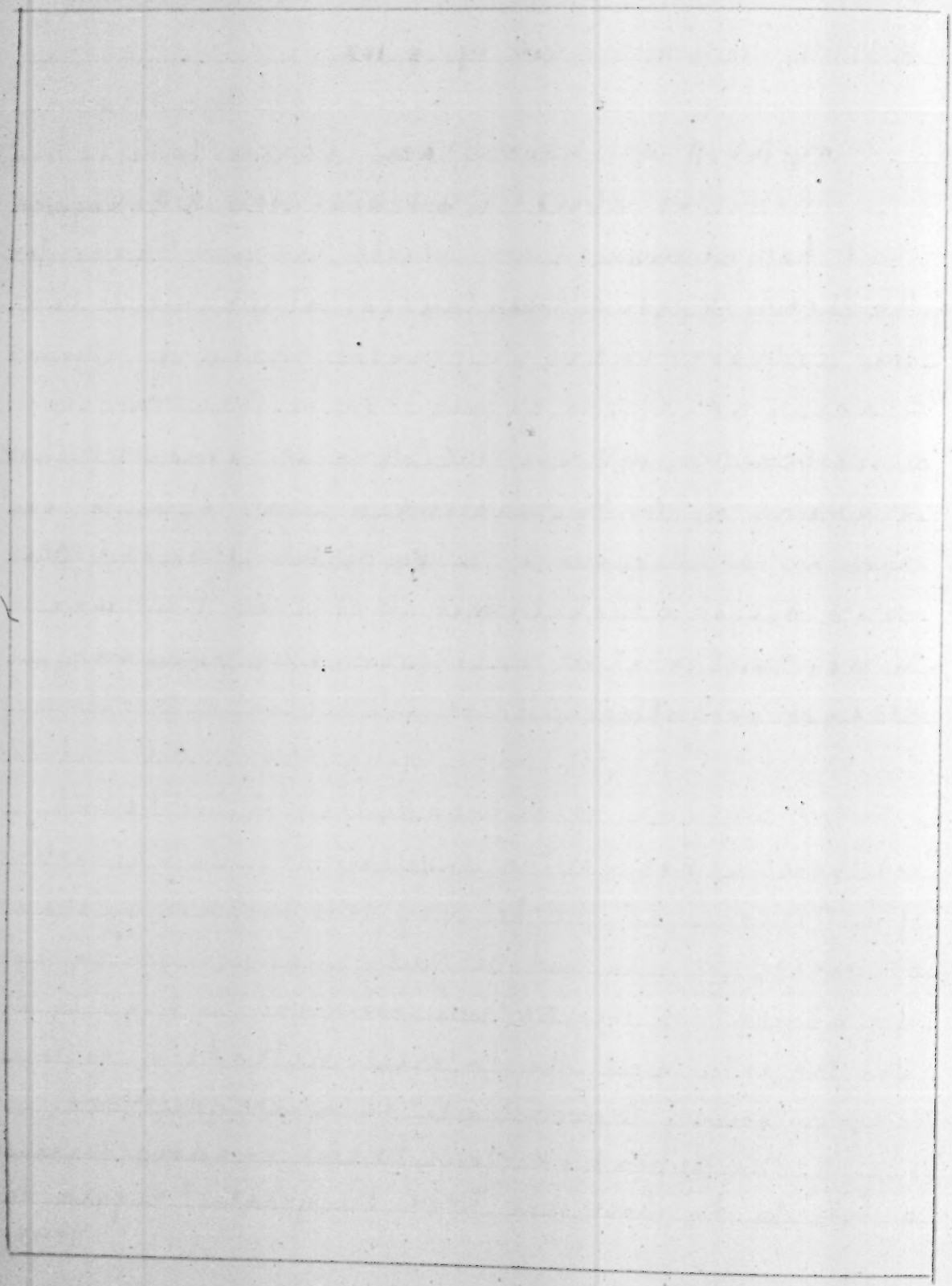


B.P.R.O. A & W. I. Vol 19. p. 101.

(15 Dec. 1739.)

Extract of a letter from Charles Town in South Carolina dated 15 December 1739 to Governor Fitzwilliam.

Since my last to you dated the 9th instant, wherein were inclosed Letters acquainting you of the starved miserable condition of your Garrison, we had a vessel from Providence which gives us an Account of a very rich Spanish Prize being carried in there, and condemned, to the value of Twenty Thousand Peices of Eight, but if I hear any more in particular shall take care and acquaint you p first opportunity.



B.P.R.O. A & W. I. Vol 19. p. 102

(1738 Dec)

May it please your Grace.

The strict and disinterested regard that has always shewn itself in your Grace for the Good of your Country, emboldens us to take this extraordinary method of applying to your Grace, and is occasioned by a Paragraph in a Newspaper wherein Mr Glenn is named for the Government of South Carolina, a Place of such consequence as Requires a Person of abilities and great experience, of which we are afraid this Gentleman may be wanting, who, we are informed is Young and a Stranger to Publick Affairs, either Civil or Military 'tis therefore humbly hoped Your Grace will not be guided by any recommendation of his Friends, without a particular enquiry into the Character of a Person who tho' he may be otherwise a Man of merit, yet may not be truly Qualified for an appointment of this Nature wherein the Dignity of His Majesty and the Interests of Trade of so flourishing a Young Province, are so much concerned.

We depend on your Grace's candour to excuse a Liberty by those who have the greatest regard to

your

your Graces Merit and are with the utmost deference and Respect

your Graces most &c
The Traders &c
of So Carolina.

1740

B P R O Journals B T vol 19

Whitehall 23d January 1740

At a Meeting of His Majestys Commrs for Trade & Plantations

Present

Lord Monson

Mr Bradenell, Mr Ashe, Mr Plumer,

Mr Jury acquainted the Board that he was not able to give their Lordships any further Account of the Paper Money in South Carolina, than what had already been laid before them in a little Book, entituled the Report of the Committee of the Commons house of the Province of South Carolina, on the State of the Paper Currency of the said Province Printed A° 1737.

6th February 1740

Mr Jury, Agent for South Carolina attending and being examined upon the Subject of the Paper mentiond in the Minutes of the 31st ultimo, whether the objections therein contain'd were agreable to his Sentiments, acquainted the Board, that it was impossible for him to give his Opinion thereon not having had any Instructions from the Province.

15th

15th February 1740

Read a Letter from Colo Bull, President and Commander in Chief of South Carolina, dated Novr 20th 1739 giving an Account of the Death of Mr Chief Justice Wright and several other Officers and recommending Colo Joseph Blake to Supply the Vacancy in Council made by the Death of Mr Justice Wright — He complains likewise of a new French Settlement on a Branch of the Mississippi River.

Ordered that the Draught of a Representation be prepared recommending William Middleton Esqr to be a Councillor in South Carolina in the room of the said Robt Wright Esqr late Chief Justice of that Province and one of the Council there.

Ordered that so much of the said Letter from Colo Bull, as relates to the French Settlement be communicated to His Grace the Duke of Newcastle, and that an Extract of the same be made, and a Letter prepared accordingly.

19th February 1740

The Representation recommending Wm Middleton Esqr to be of the Council in S. Carolina, ordered to be

prepared

prepared by the Minutes of Friday last was agreed to and Signed.

As was also the Letter to His Grace the Duke of Newcastle, ordered by the same Minutes, transmitting an Extract of Colo Bulls Letter, relating to a French Settlement on a Branch of the Mississippi.

' ' ' ' ' ' ' ' '

15th April 1740

Read a Letter from Mr Bull Esqr President of the Council and Commander in Chief of the Province of South Carolina, transmitting an Account of the Paper Bills of Credit, and also an Account of what Rates all Gold & Silver Coins are accounted, received, taken, or paid in that Province, in Pursuance of two Addresses to His Majesty from the House of Lords and the House of Commons; And in answer to a Letter from the Board dated 3d July last mentioning likewise the Death of Mr Hon Waring, of the Council there and recommending Charles Pinckney Esqr Speaker of the Assembly to Supply the said Vacancy.

' ' ' ' ' ' ' '

Copys of the Instructions to the several Govrs of the British Plantations in America, having been prepared, as directed by the minutes of the 12th Instant Mr Plumer

Plumer was desired to lay the same befor the House of Commons as likewise a Copy of the Account of the Paper Bills of Credit and of the Rates of Gold & Silver Coins in South Carolina transmitted to the Board by Wm Bull Esqr as mentiond above.

. . . . . .

16th April 1740

A Copy of the Account of the Paper Bills of Credit and of the Rates of Gold & Silver Coins in South Carolina, mentioned in the Minutes of Yesterday, having been prepared & laid before the Board, the Lord Monson was desired to present the same to the House of Lords.

. . . . . .

18th April 1740

Ordered that the Draught of a Representation be prepared, recommending Colo Joseph Blake to be of the Council in South Carolina in the room of Mr Thos Waring deceased, as mentioned in the Letter of Mr Bull read the 15th instant.

. . . . . .

22d April 1740

A Representation to His Majesty recommending Colo Joseph Blake to be of the Council in South Carolina

in

in the room of Thos Waring Esq. deceased (as mentioned in Mr Bulls Letter in the Minutes of the 13th Inst) having been prepared was agreed to and Signed.

. . . . . .

9th July 1740

James Glen Esq. Gr of South Carolina attending delivered in a Letter to the Board from Mr Scrope which was read, transmitting by order of the Lords Comms. of the Treasury the Memorial of the said James Glen praying an allowance or Salary that may enable him to execute the Trust reposed in him for the Service of the Crown, for the Publick Welfare and prosperity of the Province and with Character and Reputation to himself. And the Board agreed to take the said Memorial into Consideration on Thursday fortnight next at which time Mr Glen was desired to attend.

. . . . . .

24th July 1740

Mr Glen attending, as appointed by the Minutes of the 9th Instant, prayed the Board to defer the Consideration of his Memorial to Friday the 1st of next Month, he not being yet furnished with the Papers proper to make out the Allegations of the said Memorial to which Petition the Board was pleased to agree

1st

1st August 1740

Mr Glen attending, the Board had some discourse with him on the Subject of his Memorial, transmitted to them in a Letter from Mr Scrope, by order of the Lords Commissrs of the Treasury (as mentioned in the Minutes of the 4th of last Month) and after he was withdrawn, the Board took the same into Consideration, & ordered the Draught of a Letter to the Lords of the Treasury to be prepared.

7th August 1740

A Letter to the Lords Commissrs of His Majesty's Treasury on the Subject of Mr Glens Memorial, mentioned in the Minutes of the 1st Inst was agreed to and Signd.

19th August 1740

Read a Letter from Colo Bull President of the Council & Commander in Chief of S Carolina, dated June 3d 1740, transmitting Copys of two Letters — One to Mr Andrews from One of his Factors in the Chickesaw Nation, dated the 1st of April 1740 — the other from Mr Wood, dated at New Windsor, the 22d of May 1740 likewise

likewise the Copy of a Letter from Mr Kelly to Capt Croft dated at Okefuskies the 10th of May 1740

Ordered that a Letter be prepared for transmitting an Extract of Mr Bulls Letter to his Grace the Duke of Newcastle, and the said Letter being accordingly prepared, was agreed to and Signed.

' ' ' ' ' '

7th October 1740

Read a Letter from Colo Bull President of the Council and Commander in Chief of S Carolina dated July 28th 1740 inclosing a Copy of a Representation from the Council & Assembly of that Province, to His Majesty of the bad Situation of their Affairs, with regard to the French, Spaniards and Indians.

Ordered that Copys of the said Letter and Representation be transmitted in one, to his Grace the Duke of Newcastle.

' ' ' ' ' '

8th October 1740

A Letter transmitting to his Grace the Duke of Newcastle Copys of Mr Bulls Letter to the Board, & of the Representation from the Council and Assembly of the Province of South Carolina to His Majesty Ordered by the Minutes of Yesterday was agreed to and Signed.

9th

9th October 1740

A Representation to the Lords Justices recommending John Cleland Esq to be of the Council of South Carolina in the room of John Braithwaite Esq deceased, was agreed to and Signd.

11th October 1740

The Secretary laid before the Board the following Copies of Orders of Council, transmitted from the Council Office the 22d of Sept. last the Titles whereof were read Vizt

Copy of an Order in Council dated the 12th of June 1739. Approving Mr Glens Commission for the Government of South Carolina, with some alterations therein as petitiond for by Mr Glen.

Copy of an Order in Council dated 1st of Septemr 1739 approving Mr Glens Instructions for the Government of South Carolina, with some Alterations made by the Board therein.

Copy of an Order in Council, dated the 12th of June 740, approving a Representation of this Board, proposing

Col.

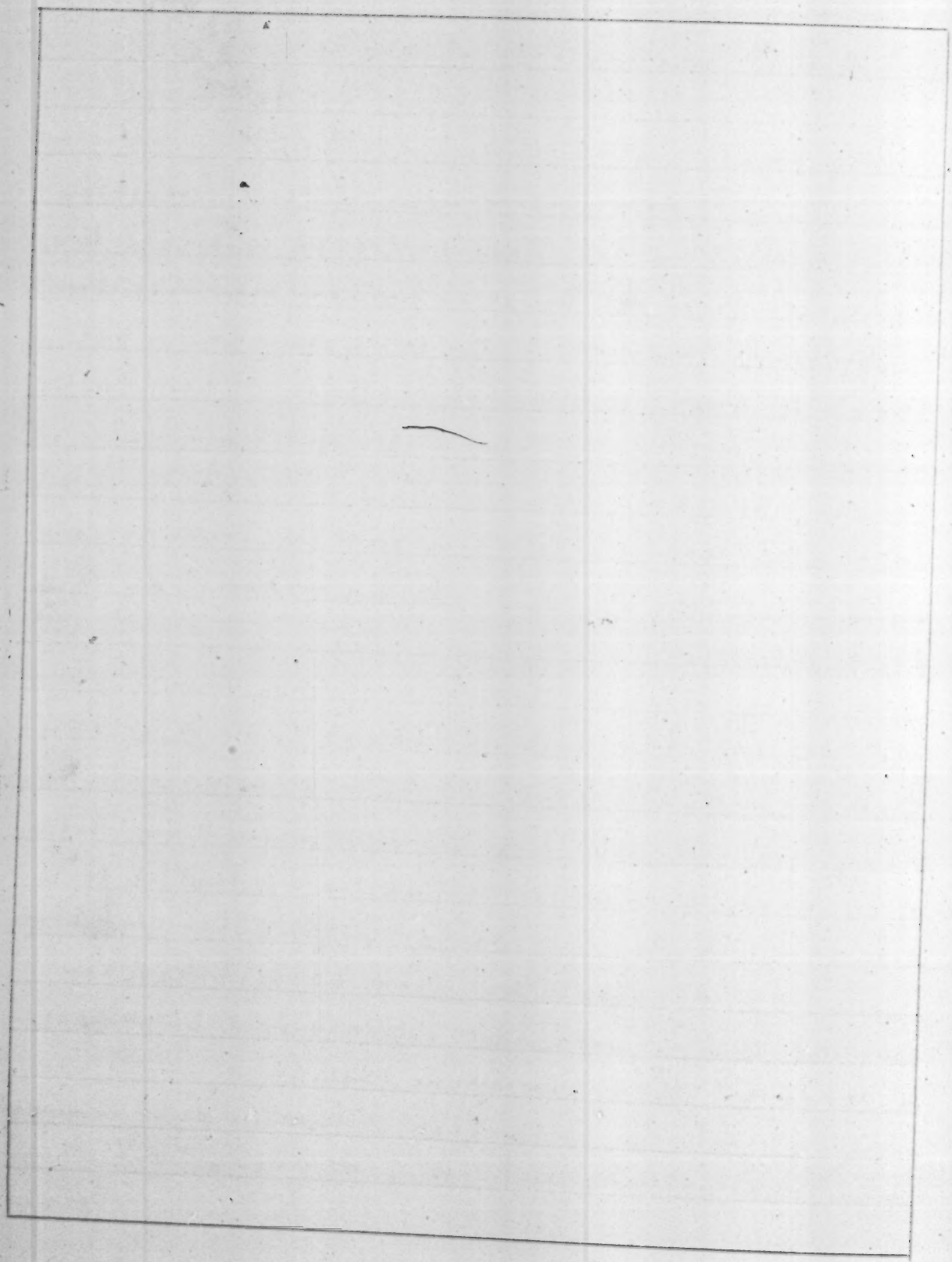
Colo Joseph Blake, to Supply a Vacancy in the Council of South Carolina by the Death of Thos Waring Esqr:

" " " " " " " "

Copy of an Order in Council, dated the 10th of August 1710, approving a Representation of this Board, proposing William Middleton Esqr to Supply a Vacancy in the Council of South Carolina by the Death of Robert Wright Esqr

" " " " " " " "

Copy of an Order in Council dated the 10th of August 1710, directing in what manner Grants of Land shall pass in South & North Carolina, and directing the Govr to Countenance and protect Mr McCulloh in his Office of Comptroller of the Land Rents there.



B. P. R. O. So. Carolina B. T. Vol. 10 f. 32.

(7 Feb. 1739.)

My Lords,

I have the Honour of Your Lordships Letter of the 5th of July last inclosing Copies of two Addresses from the House of Lords & likewise from the House of Commons of the 13th of July last, & pursuant to Your Lordships Directions I have prepared an Account of the Paper Bills of Credit, & also an Account of what Rates all Gold & Silver Coins were accounted received taken or paid in this Province as near as may be in the manner expresst in the said Addresses

I wish it had been in my Power to have transmitted these Accounts sooner to Your Lordships, But the Bills of Credit wch have been current for many years in this Province were issued by Virtue of so many Acts of General Assembly that it tooke up so much Time to prepare them; Therefore I hope your Lordships will not looke upon it as any Neglect in me, who have endeavoured to prepare & transmit them as soon as possible.

At the same time I presume to acquaint your Lordships wth the Death of Mr Thomas Waring a Member

member of his Majesty's Council, & beg leave to recommend to your Lordships Charles Pinckney Esqr Speaker of the Commons House of Assembly as a Gentleman of Fortune & well qualified to serve his Majesty in that favourable Trust

I am with the greatest Respect

Charles Town So Carolina
February ye 7. 1739.

My Lords,
your Lordships
most obedient &
most humble Servant
Wm Bull.

To the Right Honble the Lords
Commissioners for Trade &
Plantations

Recd
Read } April 14th 1740.

B.P.R.O. So Carolina B.T. Vol. 10 G 33

An Account of the Rise and Progress of the Paper Bills of Credit in South Carolina from the Year 1700 to this Present Time, together with the Computed Value in Money of Great Britain of such Bills at the respective times of their creating and issueing and the Value of such Bills in money of Great Britain at this Time and also an Account of the Rates and Prices of Gold and Silver Coin in the Province of South Carolina in the years 1700, 1710, 1720, 1730 and at this present Time.

The first Paper money that issued in the Province of South Carolina was by Virtue of an Act of the General Assembly passed the Eighth Day of May 1703 Intituled "An Act for raising the Sume of Four Thousand Pounds on the Real and Personal Estates and of and from the Profits and Revenues of the Inhabitants of this Province and establishing Bills of Credit for satisfying the Debts due by the Public on Account of the late Expedition of St. Augustine.

By this Act Six Thousand Pounds in Bills of Credit were Stamped and issued bearing an Interest of

of Twelve per Cent per Annum from the date of the Bill to the time the same was paid to the Publick Receiver And the said Bills were to be sunk cancelled by the Tax raised by that Act (that is to say) Two thousand Pounds to be raised and paid on the first of February 1703 and £2000 on the first of February 1704 and the other Sume of £2000 being the Remainder of £6000 by the duties arising by an Act made on the Sixth day of May 1703 Intituled "An Act for laying an Imposition on Furs, Skins, Liquors and other Goods and Merchandizes imported into and Exported out of this Province for raising of a Fund of money towards the defraying the Publick Charges and Expences of this Province and Paying the Public Debts and Charges due for the Expedition against St. Augustine."

By an Act passed 20th December 1703 The Public Receiver is directed to cancel £3000 of the former Bills, when the Tax Assessments shall be raised and £1000 in Bills at 12 per Cent is continued Current any Limitation in the former Act notwithstanding.

And by an Act passed 4 November 1704, Reciting "That great part of the money and Bills appropriated by the before recited Acts for particular Uses (Viz.t

"Calling

"calling in and sinking the Bills of Credit had
"for the immediate service and necessary Defence of
"the Province been by Order of the General Assembly
"made use of for other uses than they were appointed
"for and appropriated to by the said Acts. It was
"Enacted That such Payments should be deemed legal
"and the Receiver was indemnifyed and acquitted
"as fully as if he had duely applyed the same to
"the Uses appointed by the Acts first recited."

On the same fourth day of November 1704 Another
"Act passed for raising the Sume of Four thousand
"Pounds on the Real and Personal Estates and of
"and from the Profits and Revenues of the Inhabitants
"of this Province to pay and cancel the Bills of Credit
"now outstanding." This Act recites "That the urgent
"necessities of fortifying Charles Town & other Occasions
"for the Defence of the Province against the Common Enemy
"had Exhausted the Public Treasury and prevented the
"calling in and sinking of the Bills of Credit."
Therefore it was Enacted "That the Bills should continue
"Current, and a Tender in Law with the Interest of
"12 per Cent until the 10th Day of March 1705. And a
Tax of £4000 was imposed payable on the 9th day of
March 1705, and appropriated for calling in the Bills
of

of Credit which were then outstanding and a Penalty was laid on the Public Treasurer that if he misapplied any of the Sumes so appropriated that he should forfeit treble the value of the Sume misapplied and should be rendered incapable of holding any Office in the Government

But after the passing this Act another Act was made on the Ninth day of April 1706 Intituled "An "Act for the sooner and more Secure Payment of the "Debts owing by the Public and for the continuing the "currency of the Bills of Credit commonly called County "Bills" By this Act "All Taxes laid by any former Acts "of Assembly, and the Duties imposed by the Act passed "the 6th of May 1703 (except such as were thereby appro- "priated for Payment of the Clergy's Salaries) which had been established as a fund for sinking the Bills of Credit and uncancelled were continued and made current, And three fourths of the Duties before mentioned (after the Payment of the Public Debts and the Clergy's Salaries) were appropriated towards the sinking and discharging the Bills of Credit and the remaining fourth part of the said Duties were to be disposed of by order of the General Assembly for the Contingencies of the Government.

The next Act which relates to the Emission of

Paper

Paper Currency was passed the 5th July 1707 And intituled "An Act to make and establish Bills of Credit for raising the Sume of Eight Thousand Pounds for Satisfying the Debts due by the Public on Account of the late Invasion, for finishing the Fortifications about Charles Town to review the Several Acts therein mentioned and to call in the former Bills of Credit."

By this Act not only £6000 in new Bills were issued for Payment of the Public Debts but the Old Bills which were outstanding were exchanged for new Bills, and were by that means continued Current and made a Tender in all payments and this Act revives the Duty Act passed 6th May 1703 and the Additional Acts made to that Act and then Enacts that all moneys remaining in the Public Treasury together with all outstanding Taxes imposed by any former Acts of Assembly and the Duties and Impositions thereafter to be paid and the Overplus of the Money for Ministers Salaries not disposed of shall be applyed towards payment of the Public Debts and sinking the new Bills Established by that Act. This Act also Repeals the Act for raising of £4000 passed 8th May 1703

The Act last abovementioned was made of force for

for Two years but was continued for four years by an act passed 12th July 1709 and by another act passed 14th February 1709 "Intituled An act for the better enabling the Governor or the Governor for the time being to raise a force against Our Public Enemies and to raise money to defray the Charges of the same by Establishing Bills of Credit a further sume of £3,000 was issued in Bills of Credit £2000 of which was to Exchange Part of the Old Bills which were too large, and the other £1000 was to remain in the Treasury to answer the Emergencies of the Government, and the Duties continued by the Act 12th July 1709 were further continued to the 12th July 1712, and from thence to the End of the most Session of the General Assembly and were also applyed for sinking the Bills newly issued.

A very short time after passing this Act (to wit) on the 24 April 1708. An act passed "For raising the sume of Five thousand Pounds, by this Act a further sume of £5000 in Bills of Credit were issued to be ready in the Public Receiver's hands to answer all Emergencies and for a Fund to sink them the Duties imposed by the former Acts were continued to the 12th Day of July 1714 and from thence

to

to the End of the next session of the General Assembly

On the 1st Day of March 1710 An Act passed for "raising the Sume of £3000 in small Bills for the "Sinking one Thousand Pounds of the former Bills "and Two Thousand Pounds for and towards the Pay- "ment of the Debts due from the Publick and to ap- "point a Fund for the same."

The Title of this Acts bespeaks the use for which it was designed, another Sume of £3000 in Bills of Credit were stamped and Issued £1000 of which was exchanged for the Old Bills and £2000 was added to the former Paper Currency and were emit- ted towards Payment of the Publick Debts, and for a Fund for sinking this Additional Sume of £2000 the Duties imposed by former Acts were again con- tinued to the 12th July 1716 And from thence to the End of the next Session of the General Assembly

The next Emission of Paper Bills of Credit was said to be in consideration of the Great Expence the Province had been at in Building Fortifications and for assisting the Inhabitants of North Carolina against the Indians who were then at War with them with Twenty White men and such Indians as could be raised, on these considerations an Act

passed

passed the 10th Day of November 1711 "For raising the Sume of Four Thousand Pounds by laying sundry "additional Duties on Liquors and other Goods and "Merchandizes for carrying on An Expedition against "the Northern Indians Enemies to the Crown of Great "Britain and for aiding and assisting the Inhabi- "tants of North Carolina who are now actually in- "vaded by the said Indians"

The £4000 issued in Paper Bills by this Act are directed to be Sunk by an Additional Duty on Liquors and other Merchandize which were to be levied only, till the Bills emitted by this Act were cancelled, and the Bills issued by virtue of this Act were commonly called Tusquerora Bills from the name of the Indians who made War against the People of North Carolina.

On the 7th Day of June 1712. there was passed an Act for raising the Sume of £52,000, by Stamp- ing and Establishing new Bills of Credit and putting the same out to Interest in order to call in and sink the former Bills of Credit commonly called the Bank Act.

From the year 1703 to the time of passing this Act by the Various Emissions of Bills of Credit

at

at the several times herein before mentioned there had been issued £29,000. which either by a partial application of the Funds appropriated for sinking them, by the exchanging Old Bills for New, or by Bills lost or destroyed by accident were at the time of passing this Act reduced to £16,000 exclusive of the Ysquerora Bills amounting to £4000.

vizt Issued by Act 8th May 1703 ..... £6000

5 July 1707 £8000

4 Feb. 1707 £3,000

24 Apl. 1708 £5,000

1 Mar. 1710 £3,000

£25,000

Exchanged by Acts 14 Feb. 1707 ..... £2000

1 Mar. 1710 £1000

Sunk by part of the Funds or lost & destroyed .. £6000

Remains £16,000

£ 25,000

In the Preamble of the Bank Act it is declared "That "the Public Debts occasioned by the vast Charges to which "the Province for several years past had been subject, and "liable (that is to say) by the late Expedition against "St. Augustine, the Fortifying Charles Town and Building "Johnsons Fort, the Invasion by the French and Spaniards "in the year 1706 and the Assistance lately given to "the Inhabitants of North Carolina, were become at "last so great burthensome and considerable that there "was no hopes or Probability that the same could be discharged

discharged in any tolerable time by the Public Duties and Incomes of this Province and that it was also impracticable (especially at that time) to discharge and defray the same by the Ordinary Method of imposing a Tax on the Estates, Stocks and Abilities of the Inhabitants of the Province without pressing too hard upon them' Therefore certain Commissioners, in the Act named were directed to stamp and Issue £ 16,000 for Exchanging the old Bills £ 32,000 to be let out at Interest payable in 12 Years at £ 12.10 per Cent per Annum, which was to sink both Principal and Interest at the end of that Term, and £ 4000 was also directed to be issued for the Contingencies of the Government. The Funds which had been established for sinking the Bills which were directed to be called in and cancelled were by this Act ordered and declared to be disposed of for & towards the Bills thereby established, and ordered to be given in Exchange for the same Old Bills, And it was enacted That in Six Months after the Sume of £ 52,000 was stamped and delivered to the Commissioners, All other Acts of the General Assembly which concerned any Bills of Credit (except the Bills stamped for carrying on the Expedition against the Northern Indians commonly

-ly called Iusquerora Bills) were thereby declared Null, void and made of none Effect to all intents and Purposes whatsoever, So that after this Act took place the Bills of Credit stood as follows. viz.t

For calling in and cancelling & exchanging the Old Bills outstanding	£ 16,000
To be placed at Interest according to the Terms of the Act	£ 32,000
For the Contingencies of the Goverament	£ 4,000
	£ 52,000
The Iusquerora Bills excepted out of the Bank Act and remaining on their first Establishment	£ 4,000
The whole Currency 1712.	£ 56,000

On the 27th Day of August 1713 passed an Act to raise forces to prosecute the War against our Indian Enemies and to stamp Bills of Credit for the Payment of the Army and discharging the Charges of the War and to ascertain a Fund for cancelling the same Bills and to appoint Courts Martial &c.a.

By this Act a Further Sume of £ 30,000 in Bills of Credit were stamped and issued and it was provided by this Act that in Order to strengthen the Currency of the Bills newly issued, a Fund should be provided for sinking the same by a Tax, and accordingly on the same 27th day of August, There was passed an Act to

to raise the sume of £30,000 on the real and Personal Estates of the Inhabitants of this Province in Order to sink the Sume of £30,000 in Bills of Credit &c.

By this last Act, a Tax of £30,000 was to be raised on or before the first Tuesday in april 1717 and was when raised to be applied to the sinking and cancelling the said sume of £30,000.

On the 24th day of March 1715 Another Act passed for issuing a further Sume of £5000 in Bills of Credit but no provision was by this Act made for sinking or cancelling the same: this Act was continued only to the 20th of November 1716.

But before the time limited was expired (that is to say) on the 30th June 1716, Another Act was passed to continue the Currency of £30,000 in Bills of Credit and also to stamp the Sume of £15,000 in Bills of Credit. In the reciting part of this Act it is taken Notice, That by reason of the late troubles and Confusions occasioned by the Indian War, and for that diverse of the Estates and Effects of the Inhabitants lying on the Frontiers, and being Exposed to Danger, so that at the Tax appointed to be raised by the Act made 24th August 1715 for sinking the said Sume of £30,000 in Bills of Credit lately issued, the said

said Act is therefore Repealed and declared void. And this Act further recites that there is a necessity for giving a further Currency to the aforesd £30,000. in Bills and also to the £5000 issued by the abovementioned Act of the 24th of March 1715 and that the said Bills could not be suddenly sunk without laying too great and insupportable a Tax and Burthen on the Inhabitants. Therefore the Currency of the said £30,000 and £5000 were continued 'till such time as they should be called in and sunk by Act of Assembly £95,000 was intended to be raised by this Act. It is further recited that the aforesd Sumes of £30,000 and £5000 have been expended in Defraying the Charges of the Indian War and that the Treasury was almost exhausted and that it was necessary that the further sume of £15,000 should be forthwith provided for payment of the Soldiers and other Charges of the War, Therefore certain Commissioners in the Act named were authorized to stamp and issue in Bills of Credit an additional Sume of £15000 to be paid and applied for the Purposes aforesd.

As a Fund to support and Strengthen the Currency of the Bills lately emitted now amounting to £50,000 over and besides the Bills issued by the Bank Act and the £4000 in Susquerora Bills amounting to £

£56,000. A Tax of £95,000 was raised by this Act at three payments (that is to say) £35,000 on the first Tuesday in March then next ensuing, £30,000 in March 1717. and the remaining £30,000 on the third Tuesday in March 1718, which Payments were to be applyed in manner following (that is to say) £15,000 part of the £35,000 directed to be paid in March then next ensuing was applied to sink and cancel the like Sume in Bills of Credit issued by this Act. £30,000 being the second Payment in Mar. 1717 was appropriated for discharging certain Public Orders the amount of which were then uncertain which had been issued by this Act, and when such Orders were discharged the residue towards the sinking the Bills of Credit issued by the Act of the 27th August 1715. The last payment of £30,000 in March 1718 was applied for sinking the residue of the £30,000 issued by the Act 27th August 1715. and the £5000 issued by the Act 24th March 1715.

This Act was to continue of force until the taxes should be fully raised and paid according to the directions of this Act.

But an Act soon after passed (to wit) on the 15th day of December 1716. Intituled "An Act for appointing "Rangers

"Rangers to guard the Frontiers of this Province against
"the Incursions of Our Indian Enemies and for making
"further provision for the Garrison at Port Royal and
"Savanna Town"; the £15,000 which was applied by the
act last above mentioned for cancelling so much of
the Bills of Credit was ordered to be paid into the
hands of the Commissioners in the said Act named
to be applied to other uses in the said Act mentioned
However on the 11th Day of December 1717 There was
passed an Additional Act to an Act to continue the
Currency of £30,000 in Bills of Credit &c. Reciting
amongst other Things "the Act last abovementioned"
"And that the said £15,000 in the afd Acts mentioned was
"not sunk and cancelled according to the Direction of
"the afd Act made on the 30th Day of June 1716. And that
"it was found by Experience that the multiplicity of
"Bills of Credit had been the Cause of the Ruin of our
"Trade and Commerce and had been the Great Evil of
"this Province and that it ought with all Expedition
"to be remedied" And further reciting "that there was
"outstanding in Bills of Credit over and above the
Bills commonly called the Bank Bills

	£30,000
	3,000
	15,000
Sanqueroa Bills	4,000
In all	£ 54,000

And

And further reciting that the Tax of £30,000 which by the Act of 30th June 1716 was intended to be raised and paid in March 1717 would only sink £10,000 of the Bills of Credit, as the Public Orders by the said Act also directed to be paid with the Interest thereon did amount to £20,000 And that it was the Resolution of both Houses of Assembly that the abovementioned Bills of Credit (the Bank Bills excepted) amounting to £54,000 should be sunk on or before the second Tuesday in March which should be in the Year of our Lord 1718 (to wit) £24,000 in March then next ensuing and the remaining £30,000 according to the Directions of the said Act made ow the 30th June 1716. It was therefore enacted that the said Act of the 30th June 1716 should be carried effectually into Execution and that the Sume of £14,000 should be raised as an Additional Sume to the Tax to supply the dificiency that would be wanting to make up the Sume of £24,000 intended to be raised by March next ensuing viz: By the Act 30th June 1716 was to be raised for sinking the Bills & Public Orders £30,000

The Public Orders with Interest amounted to £20,000

Remained for sinking the Bills £10,000

Dificiency supplied by the Additional Tax £14,000

Which is the Sume proposed to be raised for the first Payt by this last Act £24,000

It

It appears by this last Act that all the Bills of Credit (except the Bank Bills) should have been cancelled and sunk in Mar 1718, But by an Act passed 20th of Feb-ruary 1718, Intituled an Act for raising the Sume of Seventy Thousand Pounds on Lands and Negroes for defraying the Public Debts, sinking the Public Orders and for calling in and cancelling the Sume of Thirty Thousand pounds which is now outstanding in Bills of Credit over and besides the Bank Bills, the Act last abovementioned is repealed and made Void and a new provision is made for sinking the Bills by Taxes to be paid at three periods with Liberty that such Tax might be paid in Rice at certain prices limitted according to the different times of Payment (to wit) On the Second Tuesday in March

1719 --- £ 10,000 in Rice at 30 per cent
1720 --- £ 10,000 at 25
1721 --- £ 10,000 at 20

Towards the latter end of the Year 1719 the people of South Carolina threw off the Government of the Lords Proprietors and chose a new Governor and Council and during those confused times some Acts passed relating to Paper Money.

The First on the 13th February 1719 Intituled an Ad-ditional

ditional Act to an Act for raising the Sume of £70,000 on Lands and Negroes &c- for defraying the Public Debts By which Act a year longer was given for sinking the £30,000.

And there were two New Emissions of Paper Bills commonly called Rice Bills, the one for £15,000, and the other for £19,000 to be sunk in Taxes in Rice at 30ˢ per hundred. Mr Nicholson who was appointed Provisional Governor by his late Majesty arrived in this Province in May 1721, and gave his Consent to an Act of Assembly made on the Twenty First day of September 1721 Intit-uled "An Act for raising the Sume of Seventeen Thousand Two hundred forty Eight Pounds and Sixpence on Lands and Slaves for defraying the Charges of the several Forts and Garrisons, discharging the Public Debts and providing for the other Emergencies and Contingent Charges of the Government. By this Act Seven Thousand Pounds part of Fifteen thousand Pounds in Rice Bills which remained in the hands of the Commissioners and were to have been sunk and cancelled in pursuance of the Acts for Emission of those Bills were applied in Case of the Inhabitants in the Tax to be raised the present year which amounted to £24,245 and Six pence besides the Sume which the Duties were computed to

amount

amount to and the Funds which had been appropriated for sinking the old outstanding Bills were postponed and a new Provision was made by this Act that the old Bills of Credit should be Current in all payments and the sume of £4000 of the said Bills of Credit (then outstanding) should yearly and every year be sunk, called in and cancelled by a Tax to be raised on Lands and slaves over and above the several sumes of money to be yearly raised for the support of the Government The first Payment to be made in Twelve Months after the Bank Act should Expire, the Bank Act was passed on the 7th of June 1712 And was to last 13 Years so that the Fund hereby appointed cou'd not take place till the year 1725, which was to sink all the old Outstanding Bills as they were now indiscriminately blended together, And Liberty was given by this Act to all Persons to Pay in their Taxes in Paper Bills of Credit or Orders of the General Assembly, tho the Current and Market price of Rice was at 40 per Cent And the said Taxes by the former Acts were to be paid in Rice at 30, 25 and 20 shillings per Cent, but however this Act did not last long for on the 23rd February 1722, another Act was passed for the reprinting the present Current Paper Bills of Credit

and

and for Printing the Additional Sume of Forty thousand Pounds in Bills of Credit for paying off the Public Debts defraying the Contingent Charges and other Emergencies of the Government to the 25th Day of September next.

By this Act and the Act last abovementioned a new Scheme of Paper Money was introduced, the several Species of Bills were blended together, and the Funds appropriated for calling in and sinking them were laid aside, and another Method introduced An Exception must be made to the Bank Act which had hitherto been punctually complied with and the money annually sunk according to the Direction of that Act, save only the sume of £8,000 which was still outstanding, as two years were yet to come before the Bank Act expired.

The Reasons given for the passing this Act as they are set down in the Preamble are as follows (to wit) "That it was very uncertain what quantity "of Bills of Credit were then current many of them "being Counterfeited, and they being then so old that "it was absolutely necessary that they should be "called in and reprinted, And that by reason of the "Great Floods many of the Inhabitants had lost their

Crops

Crops and most had suffered so much by by the same that they were rendered incapable to pay the yearly Tax necessary to be raised for the Support of the Government Therefore for the reprinting the Bills of Credit then in the Province and paying off the Public Debts and for providing for the Contingent Charges of the Government certain Commissioners were appointed to Stamp and issue £120,000 and it was provided that all the Bills which should be issued instead of the Bills then outstanding, should be sunk according to the several Laws then in Being (that is to say)

According to the Bank Act passed 7th June 1713 Two years of the Twelve for which that Act was passed not being expired	£8000
And the Residue of the said Bills were to be sunk at £4000 per Annum pursuant to the Act passed 21 Sept. 1721 for raising £70,000 &c which last part of the said outstanding Bills were computed to amount to	£72,000
To be paid into the Public Treasurer to be by him applied to the Payment of the Public Debts & Charges of the Government to the 25th day of Sept. 1723 and to be sunk by Eight General Taxes at £5000 per Annum the first to be raised in the year 1738, and the last in the year 1745	£40000
	£120,000

The Preamble of this Act takes Notice, that it was uncertain what Quantity of Bills were outstanding, but it is evident that the calculation was made at £80,000 (that is to say)

In Bank Bills	£8,000
In Bills of Different sorts	£72,000
	£80,000
In new Bills added ...	£40,000
	£120,000

And that the Province might have the full advantage of the whole Emission the Act provided, That if any other sume that might remain in the hands of the Commissioners after they had exchanged the Old Bills of Credit for new, should be likewise paid into the hands of the Treasurer & should be appropriated to the Charge of the Government.

The Two Acts last abovementioned were repealed by their Excellencies the Lords Justices by an Order of Council bearing date the 27th of August 1723, upon which An Act was passed on the 15th February 1723 Intituled "An "Act for calling in and sinking the Paper Bills". This Act recites "That by an Act of the General Assembly "of this Province Intituled An Act for raising the Sume "of £17248 and Six pence &c passed 20th day of September 1721

1721 there was raised the Sume of Seven Thousand Pounds part of the £15,000 commonly called Rice Bills, and the Persons assessed by that Act were allowed to pay their Tax in Bills of Credit or Orders drawn by the General Assembly so that the whole sume of £15,000 in Rice Bills, were exchanged and re issued for the Emergencies of the Government. And that by another Act intituled An Act for reprinting &c. passed the 23rd Day of February 1722, an Additional Sume of £40,000 in Bills of Credit was made & issued and the Great est part of the former Currency had been exchanged & commuted for New Bills, and that their Excellencies the Lords Justices had been pleased to declare their disallowance of the said Acts, and that their Excellencies the said Lords Justices by their Letter or Order to Governor Nicholson had thought fit to enjoin require and direct him to propose to the Assembly of Carolina to settle Effectual Funds for the speedy sinking and discharging such additional Bills as had been issued by virtue of the Act abovesaid. It was therefore Enacted, That £55,000 viz.t

Additional Bills issued £40,000
Bills reissued instead of Rice Bills which ought to have been sunk £ 15,000
£ 55,000

Consisting

consisting in 20, 15, 12 & 8 Pounds Bills, should be paid from time to time to the Public Receiver or Treasurer for the time being for Duties only and the Treasurer was required to receive the Duties in those Bills and no other. The Duties appropriated for the payment of the Clergys Salaries and for the Brick Church in Charles Town only excepted, which Bills so received were to be burnt once in six months, until the whole Sume of £55,000 should be called in and sunk.

This Act further directs that the Sume of Eight Thousand Pounds which remained to be called in on the Bank Act, should be paid to the Comissioners in One of these Species of Bills, and that the remaining Sume of £53,000 and also the Sume of £8,000, due on the Bank Act should be Current in all payments, duties excepted.

By the Act repealed there was issued ..... £120,000.
By this Act are to be sunk by Duties £55,000.
Continued Current of the old Bills .. £53,000.
Continued of the Bank Bills ..... £ 8,000. ------ £116,000.

Remaining which seems to be unprovided for ... £4,000

By the Operation of this Act there was instead of £63,000, only 13,000 Sunk And in the year 1727 the effect of the Sinking Fund was suspended, and the money which had been

been collected and was in the Treasurers Hands as well as the amount of that Fund for Two years to come was applyed to defray the Charges of an Expedition to Augustine and fitting out a Privateer to Guard the Coast according to the Directions of an Act passed on the 30th Day of September 1727. Intituled An Act for carrying on several Expeditions against Our Indian and other Enemies and for defraying the Charges thereof, continued for two years from the time of passing the Act and from thence to the end of the next Session of the General Assembly And by the same Act the Duty Act passed 23rd of February 1722. is continued for Two Years and from thence until the Bills made use of for those Expeditions should be sunk and cancelled so far as the said Act related to Duties on Negroes and Liquors, the Expeditions carried on in pursuance of this Act amounted as follows Viz.t

Capt Mountjoy in the Sloop for guarding the Coast	£ 3,139. 3. 7
Coll. Palmer against the Yamasee Indians	£ 15,415. 3. 11
Coll. Glover sent to the Creeks	£ 5358. 3 7
Ballance due on the Sinking Fund	£ 9157 7 6½
	£ 38,359. 18. 7½

Raised by the Fund £ 38,359. 18. 7½

after

After His Majesty had purchased the Soil of this Province, the Late Governour Johnson was appointed and received from His Majesty several Instructions relating to the Paper Bills of Credit. The First of which relates to this Matter is to the effect following.

20th Article of Governour Johnsons Instructions

Whereas there is at present a certain Act in force in South Carolina. Intituled "An Act for calling in and sinking the Paper Bills of Credit and Part of the Duties imposed by this Act is applicable for and towards the Discharging and Sinking the Bills of Credit now Current in our said Province. And it has been represented to us that it would be a great encouragement for the more speedy and effectual Settling the said Province if the Assembly were permitted for the space of Seven Years to apply the Produce of such Revenue arising from that Act as are now appropriated to the Discharge of the old Bills of Credit to the Charge of Surveying and laying out of Townships and to the purchasing of Tools, Provisions and other Necessarys for any Poor Protestants that shall be desirous to Settle in Our said Province. We are graciously pleased to comply with the Request of the Planters and Merchants in this Particular and you are hereby Impowered to

give

give your Assent to a Clause in some Act for suspending the first Design of the aforementioned Act and for applying the said Sinking Fund for the space of Seven years to the Purposes afd Provided always that the Assembly do pass an Effectual Law to answer the purposes of the foregoing Instruction for Registering and Regulating the future Payment of Quit Rents in the manner therein directed And that the Clause for this Suspension be made part of the same Law But you are to take Care that a Particular and Distinct account be kept of the Money so applyed by an Officer to be by You appointed for that purpose, who shall annually transmit the same attested by you to the Commissioners of Our Treasury and to Our Commissioners for Trade and Plantations, and shall be first Audited by the Auditor General of Our Plantations or His Deputy for the time being. Under the Countenance of this Instruction an Act was passed the 20th August 1731, comonly called the Quit Rent Act in which was a Clause for suspending the effect of the Sinking Fund established by the Act for calling in and sinking the Bills of Credit for Seven Years and another Act was passed at the same time commonly called the appropriation Act for applying greatest part of the produce

of

of the sinking Fund for seven Years to come, together with £40,000 which was in the Treasurers hands and due to that Fund before the Instruction took place for Sinking and cancelling certain Public Orders which were issued by the same Act for Payment of a Debt due from the Public which had been contracted during the last four Years of Mr President Middleton's Administration during which time no Taxes had been raised for the Support of the Government, amount-ing to £104,775. 1. 3¼ And the same Act appropriated only the Sume of £5000 per Annum out of the Sinking Fund for the Charge of Surveying and Laying out Town-ships and purchasing Tools & Necessarys for such Poor Protestants that might be desirous to settle in this Province But this Act has since been in some measure corrected by an Act passed since Governour Johnsons decease on the Seventh day of June 1735, Intituled An Act to provide a full Supply for subsisting poor Protestants coming from Europe and settling in His Majesty's New Townships in this Province, and for establish-ing a Fund by an Annual Tax on the Inhabitants of this Province for Paying off and cancelling the remaining Public Orders which were issued in the Year 1731. By this Act the whole Produce of the Sinking Fund is applyed for

Protestant

Protestant Settlers and the Act taking notice that about the Sume of £31,000 in Orders were then Outstanding, a Tax of five shillings per head is imposed on all Slaves in the Country and £1600 to be paid by Charles Town as an Annual Tax for sinking the said Orders. This Act has since been punctually complyed with, so that there is not above the Sume of £22,000 now outstanding which arises by a Debt Secured by Act of Assembly from the late Treasurer.

This Act was continued for three Years and from thence to the end of the next Session of the General Assembly. The Appropriation Act also continued the Duty Act made on the 23rd February 1722. Intituled an Act for granting to His Majesty a Duty and Imposition on Negroes Liquors and other Merchanderyes for the Use of the Public of this Province for seven Years from the passing of that Act and from thence to the end of the next Session of the General Assembly. There has been no Session of the General Assembly which has commenced since the Expiration of the time limited for the Continuance of these Acts, till the present Session of Assembly so that all the said Acts will expire with this Session of assembly, as well the Duty Act which establishes the Sinking Fund, as

the

the Act which applied the produce of that Fund to the Charge of Settling of Protestants in this Province, as these Acts will determine with the present Session of Assembly It is necessary to observe that Governour Johnson had another Instruction to the Effect following, 21st Article of Governour Johnsons Instructions And Whereas great Inconveniencys have heretofore happened in South Carolina from issuing large Summes of Paper Money without sufficient Funds for the Gradual repaying and cancelling the same And Whereas as well Merchants as Planters have represented to Us the absolute necessity that some paper money should be allowed to have a Currency in our said Province under Proper Regulations as well for carrying on the Annual Services of our Government as for the Daily Circulation of Trade amongst the Inhabitants, Now being desirous to promote the welfare of Our People under Your Government we have thought fit and do hereby impower you to give your Assent to an Act or Acts for establishing a new Paper Currency upon such a Foot as may best answer the necessity of the Province and be most conducive to the Public Utility thereof But you are to take care that a Clause be therein inserted to suspend the Execution thereof

"thereof untill Our Royal Pleasure shall be known "thereupon".

With some view to this Instruction there was passed on the 20th August 1731. An Act for calling in × × × × × × × ×

(One page missing from Vol.)

An Account of the Rates and Prices of Gold and Silver Coins.

It appears on Examination of the Books of the most Eminent Merchants who traded in South Carolina in the year 1700. That Lyon Dollars and peices of Eight were Current at 5 Shillings a peice and the Exchange given for Sterling in the Money of South Carolina was 15 and 17½ per Cent advance but on the 16 November 1700. An Act was passed to raise the Current Coin of the Province by which several Species of Gold and Silver Coin were made Current at the rates following viz: Peices of Eight of fine Silver Mexico Seville and Pillar weighing ..... 13 penny wt. Shillings 0-6

	D°	15	6 9
	D°	17	7 6
		Ryals	9
		Lyon Dollars	6 0
			English

	s. d.
English brown Rix Dollars and French brown	7.6
Foreign Gold the Pennyweight	6.6

On the 1st March following another Act passed to raise the Current Coin and to preserve the Currency thereof. By this Act the following rates are settled —

	£ s. d.
Spanish peices of Eight of fine Silver Mexico Seville Pillar weighing 13 penny weight made Curt.	at 0.5.0
Double Ryals at 0.1.3 Single Ryals at 0.0.7½	
All peices of 8/8 of the aft. Coin weighing 13 penny weight to pass at	Eight Ryals

weighing	14 Pennywt	at 9 Ryals
.	15 Dº	. 9 Ryals ½
.	16 Dº	. 10 Ryals
.	17 Dº	. 10 Ryals ½

Lyon Dollars at 0.5.0 Peru peices of 8/8 wt 13 Penny weight at 0.5.0 English brown 12 Ryals Rix Dollar or French brown 10½ Ryals

Gold Coins or Louis d'ors weighing 4 Penny weight £1.50 Arabian Gold 2 Pennywt £0.12.6 English Guineas £1.12.6 But those Acts were soon after repealed and were the last regulations that were attempted to be made in South Carolina with Respect to the Currency of Gold and Silver Paper Bills of Credit were introduced in the year 1703. and Gold and Silver has for the most part

part been dealt for ever since as a Merchandize and not as a Currency in Payments or a Medium of Commerce And according to the best Accounts that can be obtained from the Merchants Bookes and Persons concerned in Trade. It appears that in the Province of South Carolina Gold and Silver has been sold in × × ×× × (Document torn) . . . after the several rates following (that is to say)

× ×(Doct tora)×× given upon Bills of Exchange for Money of Great Britain in these Years

1700	15 to 17½ per Cent	Year 1700	at £0.7.6
1710	50 per Cent	1710	at £0.8.0
1720	400 per Cent	1720	at £1.7.6
1730	600 per Cent	1730	from £1.15. to £1.17.6
1739	700 to 720 per Cent	1739	from £2.2.6 to £2.5.0

The Ounce of Silver was sold in the

The Price of Gold has been generally regulated in Proportion to the Value it would produce in Sterling money Thus in the year 1730, when the Exchange was at 600 per Cent advance English Guineas were sold for .. £7.7.0 Currency

Pistoles ---------- 5.10.0

Moedas ---------- 4.9.0

And at this present time Exchange being 700 per Cent advance

2 11 7

	Paper Money
Advance, English Guineas sell for	£ 8. 8. 0
Pistoles	6. 10. 0
Moedais	11. 0. 0

Recd April ye 14th 1740
with Col: Bull's Letter
dated ye 4th of Febry 1739/40

Reck
Reed } April 14th 1740

B. P. R. O South Carolina B T Vol 27 f 16

(1st February 1740)

To the Right Honble the Lords of the Committee of His Majestys most Honble Privy Council

My Lords

Pursuant to your Lordps Order of the 2d of Novr last referring back to this Board an Act prepared by the Trustees of Georgia Entituled An Act for appointing and Regulating of Pilots for the Conducting of Ships and Vessels into the several Ports and Harbours within the Province of Georgia in America and for laying a Duty on all Ships and Vessels Inwards into any of the said Ports, and for laying one other Duty on all such Ships and Vessels for and towards the Reparation of the Beacon or Land Mark erected on the Island of Sybee within the said Province and for laying one other Duty on all such Ships and Vessels for the Discharge of Signals and other Purposes, in order to be communicated to the Agents of the neighbouring Colonies. We take Leave to acquaint your Lordships That We have been attended by those Agents to whom We communicated the said Act, who have laid before us a Paper containing such Objections thereto as had occured to them, a Copy of which We have annexed

annexid to this Report, But they added that not having had time to consult their respective Colonys, they were not fully appriz'd what might be the Consequences of the said Act. We are

My Lords

Your Lordships

most obedient and

most humble Servants

Monson

Edw Ashe

R Plumer

M Bladen

Whitehall

Febry 8th 1739/40

B P R O South Carolina B T Vol 27 p 17

(19th February 1730)

To the Kings most Excellent Majty

May it please Your Majesty

Robert Wright Esqr Chief Justice of Your Majestys Province of South Carolina, and one of the Council there, being deceased, and William Miller Esqr being recommended to us as a Person every way qualified to serve Your Majesty in that Station, We have to propose that he may be appointed of Your Majestys Council in South Carolina in the Room of the said Robert Wright Esqr

Which is most humbly Submitted

Monson

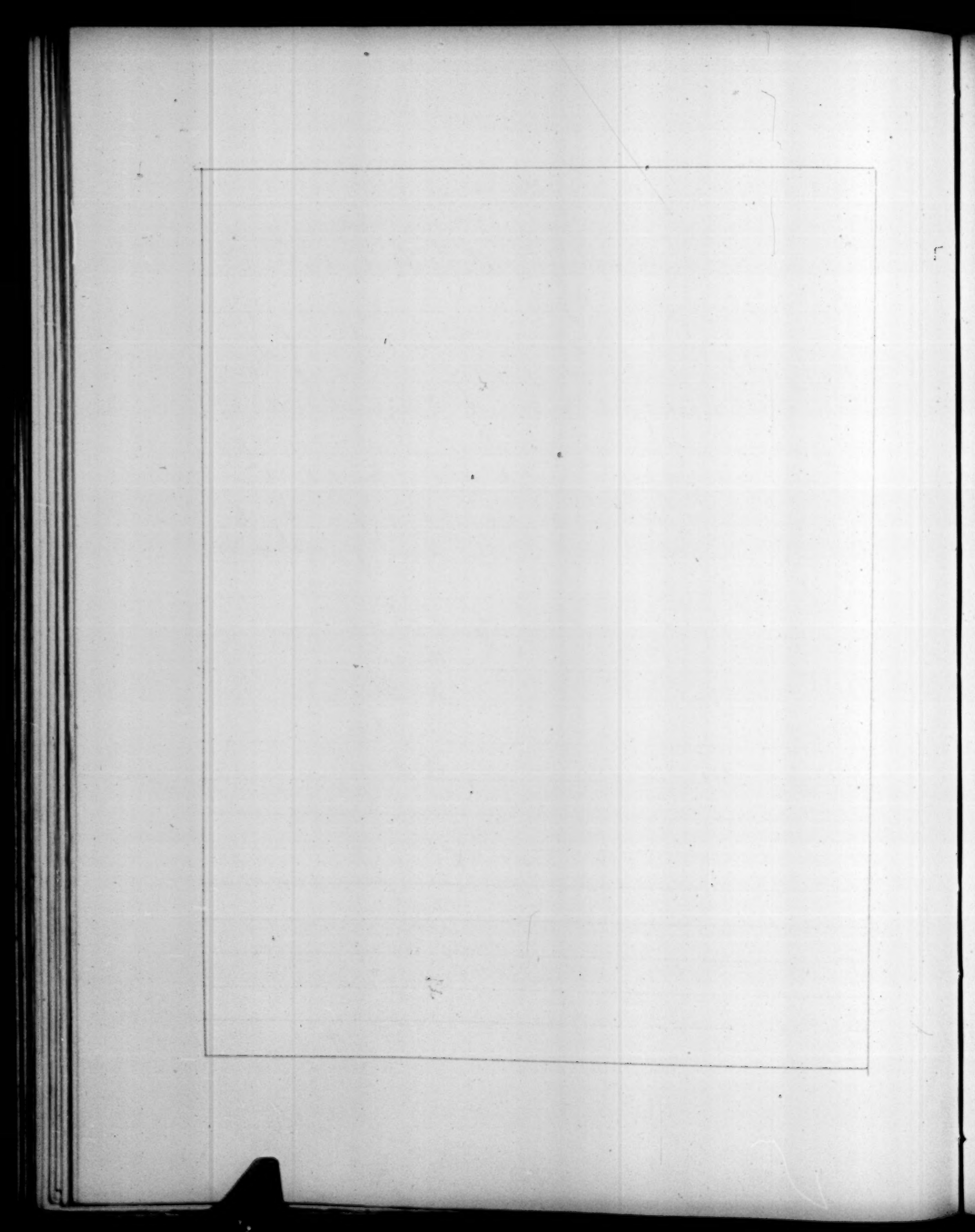
M Bladen

Whitehall

Ellis Aske

February 19th 1730

R Plumer



B P R O Ayr N. I. Vol 14 p 103

Charlestown South Carolina 1st Jan 1737

My Lord

As I apprehend it to be my Duty I beg leave to lay before your Grace some account of our Affairs in this Province. Since I had the Honour to receive his Majestys Orders in relation to making Reprizals on the Subjects of the King of Spain General Oglethorpe has proposed to this Government to form the Seige of St Augustine if he could have a sufficient Assistance from this Province having a full power from his Majesty to annoy the King of Spains subjects in the best manner he could. As we are well assured of his Majestys Declaration of War by the printed Papers & as the Government at St Augustine had openly received & protected & set at Liberty many Slaves who deserted from this Province which encouraged many attempts of the like nature. These things were esteemed so many Arguments to the People of this Province to promote & contribute to an undertaking of that kind & by that means get rid of a Dangerous Neighbour. As General Oglethorpe's proposals have been under the Consideration of the General Assembly, who have thereupon come to a Resolution to be at the Expence of one hundred

hundred & twenty thousand Pounds currency in order to raise one Regiment of Foot & one Troop of Horse, with Pioneers Provisions Tools Ammunition & all other Accessaries to joyn his Forces on that Expedition.

At the same time I beg leave to acquaint your Grace that we are under great Apprehensions of Danger from the French & their Indians on the Back of us, in case France should declare War and joyn Spain against Great Britain. The French have already put a Stop to our Trade with the Chactaws, & have way laid the path & interrupted our Trade to the Chickesaws who are in Danger of being entirely cut off by them. As these things are matters of great importance to the Province, I thought it necessary to recommend the Consideration of them to the General Assembly, & proposed that they should be laid before his Majesty in a full Representation that we may obtain thereupon his Majesty's most gracious Countenance & Assistance to enable us to protect & carry on the Trade with the Indians now in Amity wth us, & by that means continue their Friendship & prevent their being seduced & influenced by the designs & attemps of the French wch I hope will soon be prepared in order to be transmitted to Great Brittain. As there are many Instances of

of Your Grace's Favour & Goodness for the Protection & Welfare of this Province, I hope we shall on the Occasion feel the Benefits of Your Grace's powerfull Intercession with his Majesty in recommending this important Affair

I further presume to inform Your Grace that a few days ago Dyed Mr Thomas Kenny a Member of his Majestys Council in this Province, & at the same time beg Leave to recommend to Your Grace Charles Finchney Esqr Speaker of the Commons House of Assembly as a Gentleman well qualified to Serve his Majesty as a Counsellor in that Vacancy.

I am with the greatest Respect

My Lord

Your Grace's

Most Obedient & most

humble Servant

Wm Bull

To his Grace the Duke of Newcastle

B P R O South Carolina B T Vol 27 f 18

(19th February 1740)

To His Grace the Duke of Newcastle

My Lord.

Having lately received a Letter for Col Bull President of the Council and Commander in Chief in South Carolina containing among other things, a further Account of the Progress of the French, near the River Mississippi; We take leave to Enclose to Your Grace an Extract of such Part of his Letter as relates to that Expedition for Your Graces Information

We are

My Lord

Your Graces

most obedient and

most humble Servants

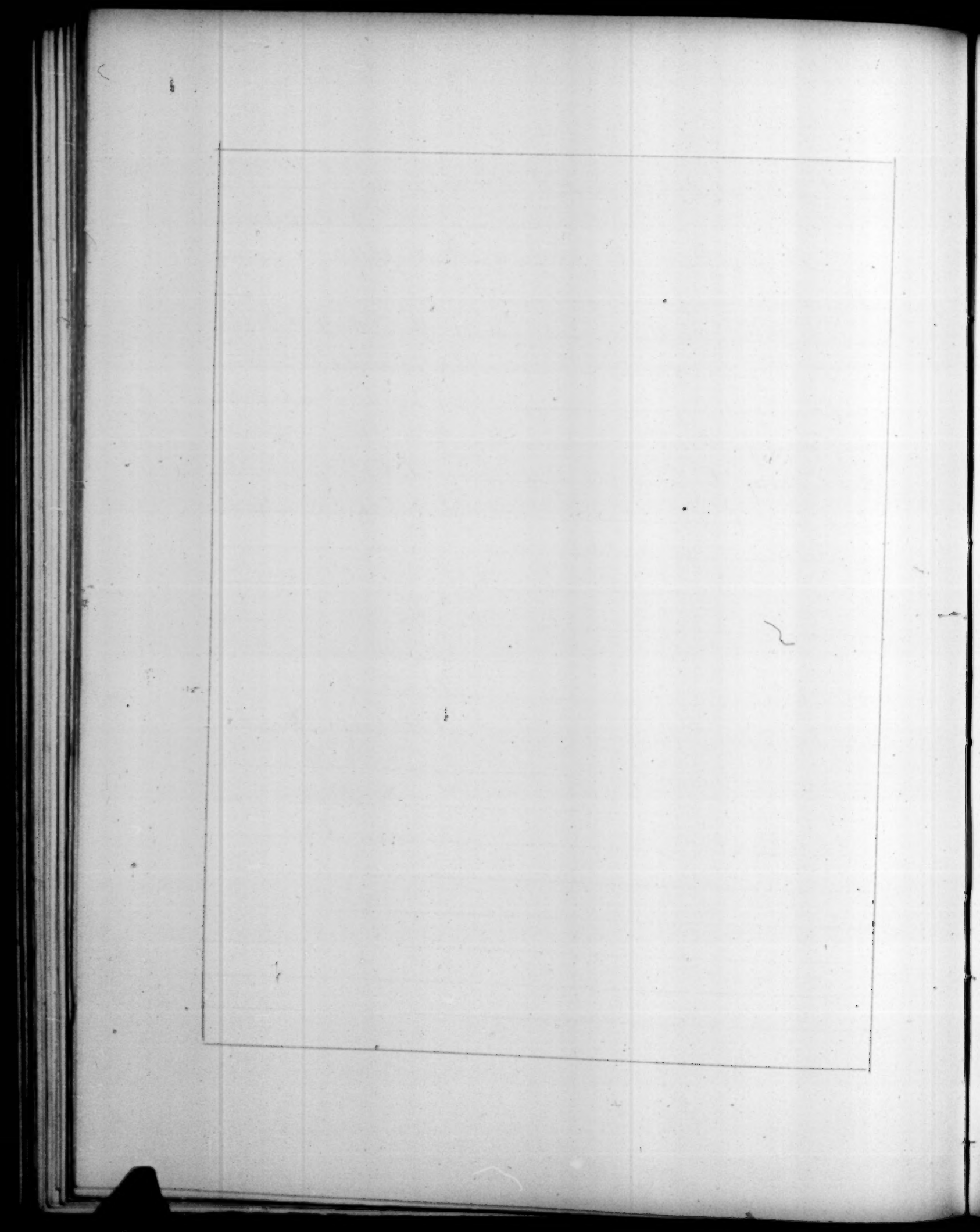
R Plumer

M Blaker

Edw Archr

Whitehall

Feb: 19th 1739/40



B P R O South Carolina B T Vol 27 f 17

(22d April 1710)

To the Kings most Excell[t] Majesty

May it please Your Majesty

Thomas Waring Esq[r] One of Your Majt[s] Council in the Province of South Carolina being deceased & Col[o] Joseph Blake being recommended to us as a Person every way qualified to serve Your Majesty in that Station We humbly take Leave to propose that he may be appointed of Your Majesty's Council in South Carolina in the room of the said Thomas Waring Esq[r]

Which is most humbly submitted

Monson
M Bladen
R Plumer
A Croft

Whitehall
April 22d 1710

B. P. R O South Carolina B T Vol II 331

Chefuskies May the 10th 1740

Capt Croft

Sir

Without Doubt Mr Hood when he arrived informed you that four of our Traders were detained at the French Fort near the Chiggasaws, which is confirmed by a Letter to Thomas Andrews from one of his Traders or Factors a Copy of which I have here inclosed. He I suppose has informed you also of an intended meeting of all the Creeks both upper and lower to be held near the french Fort, where they were to receive abundance of Presents, about ten days before this meeting was to be I Received the aforesaid Letter and carried it with me to the White Ground a Town so called and the place that the French appointed first for the Assembly to meet at; thinking that if the french came I would have the Letter Interpreted before the Indians but they did not think fit to come so far from the Fort, but ordered those who were come to go to the Fort, Chegilla sent them word that he and the lower Towns people did set off in order to be at the meeting. But after a Consultation of the headmen by the way they all returned home again, thus put the

French

French to a Stand however desired the upper Creeks to be patient till they could send another Message to Chuggillee, accordingly a Runner was dispatchd and the talk (as the Indians call it) was put off for five days, on which I returned home having first Interpreted the Letter from the Chiggasaws to the Wolf and some other leading men desiring them to let the whole Assembly know of it, And if possible when the French Captain was present, for I found the French did not care to come abroad neither would they permit us to go near them, I had taken care that none went out of this Town; But the Red Coat Sling who I could trust, I sent also to the Traders to take the like care in their respective Towns likewise, that if possible none should be there but those who were well affected to us, about the first of May Chuggillee and the lower Creeks arrived to the Number of Two hundred Men and Women for they were resolved to leave nothing behind for want of Burtheners, they proceeded to the Fort and the next day the whole Assembly met, upper and Lower Creeks and Chelokees (or Stinking Leggins) to the Number of five hundred men, the French Captain by his Linguist (in a long Speech) told them how glad he was to see them there, how much his

Sling

King valued their Friendship how ready he was to let them have Arms Ammunition Strong Liquor &c for Skins as corn light Skins &c that as to Cloth and Duffels they had it not on such great Quantitys as the English had, but however what they could get they brought amongst them, And for to let them see how much their King valued them, he had sent nine Casks of Strong water amongst them to be Devided, also Guns Powder Bullets Cloth Duffels Shirts and several other things as a present; and that his King did not Doubt but his friends would consent to two or three things he had to propose to them; Immediately desired to know what they were, the Captain answered the first thing was to remove the Traders Jon Spencer from the Muckaboses and that if he refused to go by fair means to take his Goods by force and level his House, with the Ground, for that some Years ago the Indians had served a house of theirs after the same manner, by the Instigation of the English, and for their pains they should have nine large Cagge of Strong Water, I take them to be Sirs the thoughts of such a quantity of Liquor soon brought the whole Assembly to Consent that the goods should be removed to any English Trading House, but would

would not Consent that the French should meddle with them; Accordingly several head Warriors of the lower Creeks and some of the head Warriors of these Towns about the Fort, were dispatched to Spencers House to do the Job the Wolf (Spencers Landlord) was appriz'd of their Coming for we all expected that his affair would be brought on the Stage, And therefore he had his Spies out to watch the path and I had told Spencer that if the Indians came to Seize his goods that he should use them Civilly and not aggravate them by any Insulting expressions but let the Wolf manage them himself who I knew was firm to us, and accordingly he prov'd so for as soon as he heard they were coming he painted himself fetched his Gun Pistol and Cutlash, and sat down before the Store door in the Porch, having first locked the Door and gave the Key to Spencer; after they were come into the Porch the Wolf directed his discourse to the headmen of the Stinking Linguas, telling him he knew on what Errant they were come, But it was in vain for until they had killed him and his friends they should not have any thing there that the land belonged to the English as well as the French and indeed to neither of them But both had liberty to come there

to

to Trade that he built the House for the English Man And would protect him in it against them all and he would Shoot the first Man that laid his hand on it to damage it they had several Pros and Cons But finding he was resolute they Inclin'd away returned to their Town that one man should scare Six hundred at their return to Chiggilee and the rest Chiggilee called another Council (being much vexed that he should be controlled by one Man) to propose the sending the like Numbers of people a Second time and to do it by force, But when they began to Consider the Rum they were to have was to be purchased with the lives of some of them, none of the head men would venture to go, whilst the people were gone to Spencer they sent to demand the Stony water but were denyed by the French untill they were sure the business was done, failing in the first Article discouraged the french from making any further proposals, and the next day this Great Assembly broke up, each man repairing to his own home Empty as they came and some of them had come One hundred and fifty miles all of them railing at the Wolf, the French did not mention anything of the Chactahs during the meeting, but they sent after him to the Tuckabatchees to let him know the Chactaws had a design of attacking

the

the Creeks this Summer; and that they (the French) could not hap them from it, the Same Evening the meeting broke up the Okechoys sent the War whoop through all the Towns in the Tallapooses telling them know that the Chactaws were coming to War against this Nation, and that every one should get in readyness to meet them, it seems if the French had gained their first point their next proposal was to Build another fort at or near the Tallasies as Sichtommalie had promised they should, the had ter great a foothold here to let them have more if possible; on the Seventh Instant at night we were alarmed from the Okechoys occasioned by Some of the Stinking Linguas being down at Mobille and Seeing Two Large Vessels (which they termed Red Canoes or Men of War) full of men which the French told them were coming up to Join the Chactaws; And the Indians about the fort do expect that they are now on the River. On the 8th. William Sludders came to me and told that his Towns People had Ordered the head Warriors of all these Towns to meet this next day and that they Desired I would be there, on the next day I went and when all the people were met they called the Head Warriors to the War Cabin and desired me with a

Linguist

Linguist to sit there also, they told me that they were warned three times Immediately after one another to beware of the French and Chactaws. the last time it was by the Muckaloosas King one of the Chief French officers who sent them word that they might certainly expect the Chactaws in their Towns this Summer, and he did believe the French would Joyn them for that as soon as his people were arrived from Mobille he asked the Kings Linguist whether it was true of three hundred men were coming to their fort, he answered him very mysteriously as he could not tell, he believed so and y^t they would see, when the Corn was about 3 feet high so that in all probability it was certainly true; The Okchoy head Warrior said that the beloved men of our Nation often told them that the French would one day or other Endeavour to Enslave them which they did not give so much Ear to, as they ought but now they believed it to be true, for they did expect the Chactaws every day. But our Governours in all their Talks to them encouragd them by telling them they Surely might expect the English to be their firm friends and should never want for Arms and Ammunition to defend themselves that now was the time they wanted their

their assistance, for that the Chactaws had the French to fly to for what they pleased, and if the English did forsake them they must of Course fly to the French also, or be all cut off, that they did not want to be beholden to the French if possible, therefore desired me to let both the Governours of Carolina as well as General Oglethorpe know in what Streight they were desiring they would Speedily assist them with Guns Ammunition flints and paint for without it it was impossible they should stand long against so great a force as was coming against them that the Pack horses were all down at this time of the Year, and if the Government should think proper to send them any they were sure that there friends the Traders would not deny to lend horses to bring it forthwith. But if Speed was not used both in Sending this Letter and in the answer to them it might come too late, and it may, the persons who come next may find nothing but old Fields. I need not pretend to Inform you of the benefit that this Nation of Indians is to both Collonies as long as wee are friends, likewise what Dangerous and troublesome Enemys they prove if they are obliged to submit to the French which they must do, and soon if not

assisted

Assisted. Sir You have been long Acquainted with Indian Affairs therefore Shall not pretend to advise how to proceed, But leave it to your better Judgment, Yet still I must needs say I should think it proper that a Messenger should be sent away to them as quick as possible to encourage them, that is if the Government does think proper to answer their Demands, least they should be Impatient and put themselves under the protection of the French and then we may Expect it to be our Sorrowful Fate there are Several Traders who have large Quantitys of Ammunition in the Nation, as Mr Reed Shutters Smith and Cossens who will not want it till the Fall I believe you think me very Troublesome in this long Epistle but as the Indians desired me to write to the Government I thought I could do no less then give you a full Account how the Nation stood affected.

I am Sr

Your most Obedient Humble Servant

A Willy

P S We hear that the French have left their Brick Fort on Chactah Hatchee and that the Chactahs have killed Twenty of the Chiggasaws since they

they made peace with the French, the Latter is probable but the former is not at all to be depended upon

A True Copy

Alex Cramahee C.C.

Recd with Colo Bulls Letter dated 3d of June 1740

Recd Augt 14th
Read — 19th } 1740

B P R O South Carolina B T 27 f 20

(13th May 1740)

To Francis Jane Esq

Sir

My Lords Commissioners for Trade and Plantations command me to send you the 15 inclosed Acts passed in 1737/8 and 1738 and to desire your Opinion thereon in point of Law as soon as conveniently may be. I am

Sir

Your most humble Servt

I Hill

Whitehall
May 13th 1740

An Act for easing the Tax of the Current Year, to the Inhabitants of this Province by appropriating certain Surplus Monies in aid of the same.

An Act for encouraging the Manufacture of Silk in this Province under the Direction of Mr John Lewis Poyas for seven Years

An Act for licencing Hawkers Pedlers and Petty Chapmen and to prevent their Trading with Indented Servants, Overseers, Negroes and other Slaves.

An Act for appointing an Agent to Solicit the Affairs of this Province in Great Britain.

An Act for making and keeping in repair the

Road

Road which leads from the Head of West Savanna Road on the East Side of Pon Pon River to Musgroves Ferry & from thence to Parkers Ferry Road in St Pauls Parish and to appoint Commissioners for the Same.

An Act for vesting the Ferry over South Edisto River known by the Name of Parkers Ferry in Jane Parker Widow and her Assignes for the Term of Seven Years.

An Act for establishing a Ferry at a Point on the Main Land belonging to Mr Hugh Bryan over against Cochrans Point on Port Royal Island and for vesting the same in the said Hugh Bryan and His Heirs for the Term of Seven Years.

An Act further to impower the Commissrs for regulating Pilots for the Port & Harbour of Charles Town.

An Act for appointing Commissioners to lay out a Road or Causeway over Syches Island Situate in Santee River and for establishing the Ferrys therein mentioned

An Act for Settling a Fair & Markets in Radnor in the Parish of St Helena in Granville County.

An Act for making a New List of the Names of Persons fit to Serve as Jurors to be drawn by ballot in this Province.

An

An Act for the immediate building up a Certain Line before Charles Town Bay and Pelingis the Front Lotts on Ashley River and from thence Point to Saunderbeds Creek

An Act to prevent Fraud and Deceipt in Selling Rice Pitch Tar Rosin Turpentine Beef Pork Shingles and Pine Wood.

An Act for raising the Sum of Eight Thousand three hundred and fifty seven pounds ten Shillings and Seven pence Current money of the Province of South Carolina and for applying the Sum of £19189.7.5 being certain Surplusses now in the hands of the Publick Treasurer of this Province for defraying the Charges of the Government for one Year commencing the 25th Day of March 1737 and ending the 25th Day of March 1738.

An Act for the better Securing the Sum of £7714.4.10 due to the Publick from the Estate of Alexander Innes Esqr deceased late publick Treasurer and Receiver of this Province.

An Act for easing the Port Charges & Coasting Vessels entering into and clearing out from Port to Port within this Province and to prevent any Impotent Lame or infirm Person or Persons being Imported brought to or Landed in any Port within this Province who shall be likely to become burthensome or be a Charge to the

the

the Parish.

An Act for clearing & opening ye several Creeks cut off or Water Passages therein mentioned and for regulating the Boats and Pettyaugers going through the same.

An Act for clearing cleansing & making Navigable Black River and for keeping the same Open and Navigable from the Narrows, inclusive to the Western Boundary of Williamsburgh Township.

B P R O A v t r l Bll 629

(17th May 1740)

To the Kings most Excell.t Majesty

May it Please Your Majesty

We your Majesty's most Dutyful and Loyal Subjects the under written Merchants and Traders of the City of London humbly intreat your Majesty's most Gracious indulgence and permission to lay before your Majesty the following Memorial

On the Seventeenth of May one Thousand seven hundred and forty, Samuel Batters Master to your Majesty's Ship the Tartar then Stationed on the Coast of South Carolina accompanied by several others armed with Muskells and Cutlasses, made a violent Entry into the Ship Cæsar belonging to Mr. John Blydestein Merchant of London, then lying in Coopers River, within the Jurisdiction of that Province, the Crew of the Ship Cæsar having Sheltered themselves in the Cabin Samuel Batters and his Companions forced open the Door, fir'd several vollies of small Shot among them, and, notwithstanding they had offer'd to Surrender, and desir'd them to Cease from such Acts of violence, one of them (James Radford by name) was murdered by the hands of Samuel Batters. The Coroner of your Majesty's Province of South Carolina with his Jury sat

on

on the Body of the Deceased and brought in a Verdict of Willful Murder against Samuel Batters and his Companions, whereof a Copy is hereunto annexed; and that Officer at three different times afterwards went in a Boat alongside the Tartar Man of War, whither the Guilty Person had retired upon committing the Murder, and in your Majesty's name and by virtue of Warrants both from your Majesties Governor and Chief Justice in that Province Demanded that Samuel Batters and his Accomplices might be delivered up, in order to take their Tryal in Your Majesties Court of Justice there, but was refused the same and treated even with Menaces, in case he did not stand off, and Depart from the said Ship Tartar —— Samuel Batters having in this outragious manner been hitherto protected from Justice in Contempt of your Majesties sacred name and Authority arriving in England sometime in April last was forthwith apprehended and Secured in the Marshalsea Prison by an Order from the Lords Commissioners of the Admiralty, Notice whereof was soon after given to Mr John Blydestein in whose Service the Sailor John Radford had been killed; A State of the Case was then laid before your Majesties Attorney and Solicitor General, Your Majesties Advocate and the Advocate of the Admiralty, who were all four of Opinion, that the

the Tryal of Samuel Bellers for this Murder properly belonged to your Majesty's Court of Justice in South Carolina, in whose Jurisdiction the fact had been committed upon which the Lords Commissioners of the Admiralty discharged the Prisoner from their Custody declaring in their Warrant for that purpose, that it appearing to them by the Opinion of the Attorney and Solicitor General as also of the Advocate General of Your Majesty and of the Admiralty that the said fact is triable by the Criminal Jurisdiction of South Carolina they require and direct the discharge of the said Samuel Bellers on Monday the Ninth of August at twelve o'Clock at Noon, if he is not committed sooner by a Warrant from a Justice of the Peace since the fact for which he was Order'd into Custody was not committed within the Jurisdiction of the Admiralty Being thus discharged by the Admiralty he was again committed to your Majesties Prison for the County of Surrey for the said Murder where he now lyes by virtue of a Warrant not only from one of Your Majesties Justices of the Peace for that County but of his Grace the Duke of Newcastle one of Your Majesty's principal Secretarys of State directing the Keeper to detain the said Samuel Bellers till further Orders that he may be Transported to South Carolina

Carolina to be there proceeded against according to Law.
Upon the Seventeenth of August following at the request
of the Lords of the Admiralty Mr Blydestein attended
that Board and was told, that by reason of several
Depositions very much in favour of Samuel Batters taken
before Captain Sanshaw, aboard the Tartar, they would
lay the Affair before Your Majesty in his behalfe; these
Depositions at the same time were read to Mr Blydestein
and at his desire were Submitted to his further perusal
the Copies of them were refused, who was not a little
Surpriyed that they had never been Communicated to him
before, and much more so, that they should be made
a foundation for applying for Your Majesty's most Gracious
Pardon before Tryal and Condemnation, as they appear to
the best of his apprehension to have been taken full
six months after the fact was committed not with any
Great Exactness nor upon Oath amounting to little more
than a bare Narrative from the Mouths of Samuel
Batters himselfe and three others, who were Accomplices in
the Murder and Comprehended in the Coroners Verdict,
and of two more at that time in Duress having been
pressed out of the Ship Cæsar into the Tartar Con-
sequently under restraint and in no Sence free and un-
biass'd Evidences; In Order to prevail on the Lords

Commissioners

Commissioners of the Admiralty to desist from their Intention of applying for Your Majestys most Gracious Pardon A remonstrance to their Lordships was drawn up and signed by several Merchants of this City Purporting, that as Samuel Batters stood Charged with Murder and could only be Tryed in South Carolina such a Procedure in their Lordships would be a most dangerous precedent, an infringement of the Authority of the Civil Magistrate in those parts and an Inducement to others to Committ the like Crimes in time to Come and with all humbly Intreating their Lordships that he might forthwith be sent to South Carolina in order to have a fair and legal Tryal there, which Remonstrance was delivered at the Board of Admiralty by the hands of the Right Honourable George Heathcote Esquire Lord Mayor of Your Majestys City of London and one of its Representatives in Parliament who being Informed by their Lordships that they had already applyed to Your Majesty for this Pardon, Earnestly represented to their Lordships at that time and afterwards by Letter that as the Merchants apprehended they could Contradict in several particulars the Depositions which had prevailed on their Lordships to take this step, they humbly hoped their Remonstrance against it

might

might be Transmitted to Your Majesties Secretary of State as a means of giving Your Majesty an Opportunity of knowing that Objections do lye against the Pardon of Batters, and of hearing everything, which can be offered in behalfe either of Mercy or Justice —
Their Lordships have since signified to the Lord Mayor, that as they had already applyed for Your Majestys most Gracious Pardon in behalfe of Samuel Batters it would be inconsistent with that application to Transmitt another of a Contrary Tendency; and consequently as the true State of this Case must still remain unknown to Your Majesty, Your Memorialists have found themselves under the Necessity of Troubling your Majesty with this Representation, which they humbly hope can never be Interpreted as the least intention to Complain of impressing in General which the Exigency of the State renders so necessary in a time of Warr. — They rather flatter themselves as the Laws of Your Realm have been Violated in so flagrant an Instance, as Your Majesties Sacred Name and Authority have been insulted by the Protection given to this Offender against the Civil Magestrate, with the further Aggravation of Menaces to Your Officers of Justice, and as such an Unpunished Violence must prove a great

discouragement

Discouragement to the Industrious Navigation of these Kingdoms to and from Your Majesties Plantations in America; That they shall be considered by Your Majesty to be acting the part of Dutyful and faithful Subjects in giving Your Majesties Wisdom this opportunity of discovering the True Merit of so important a Case and of Deciding at the same time, whether former request to the Lords Commissioners of the Admiralty was unreasonable or not, which they now most humbly beg Leave to repeat to Your Majesty, that as Samuel Batters stands charged with so Capital an Offence as Murder, and can only be Tryed in South Carolina, He may be forthwith sent thither in Order to have a fair and Legal Tryal there: yet so fair are they from prosecuting him to Death, that they sincerely wish some favourable Circumstance may come to light on his Tryal to Mitigate the seeming Barbarity of the Fact for which he now stands accused, as may render him a deserving Object of Mercy In which Case they shall be as ready to intercede for Your Majestys Royal Clemency in his behalfe, as they are now earnest in this their application to Your Majesties Justice.

All which Your Memorialists most humbly

Submitt

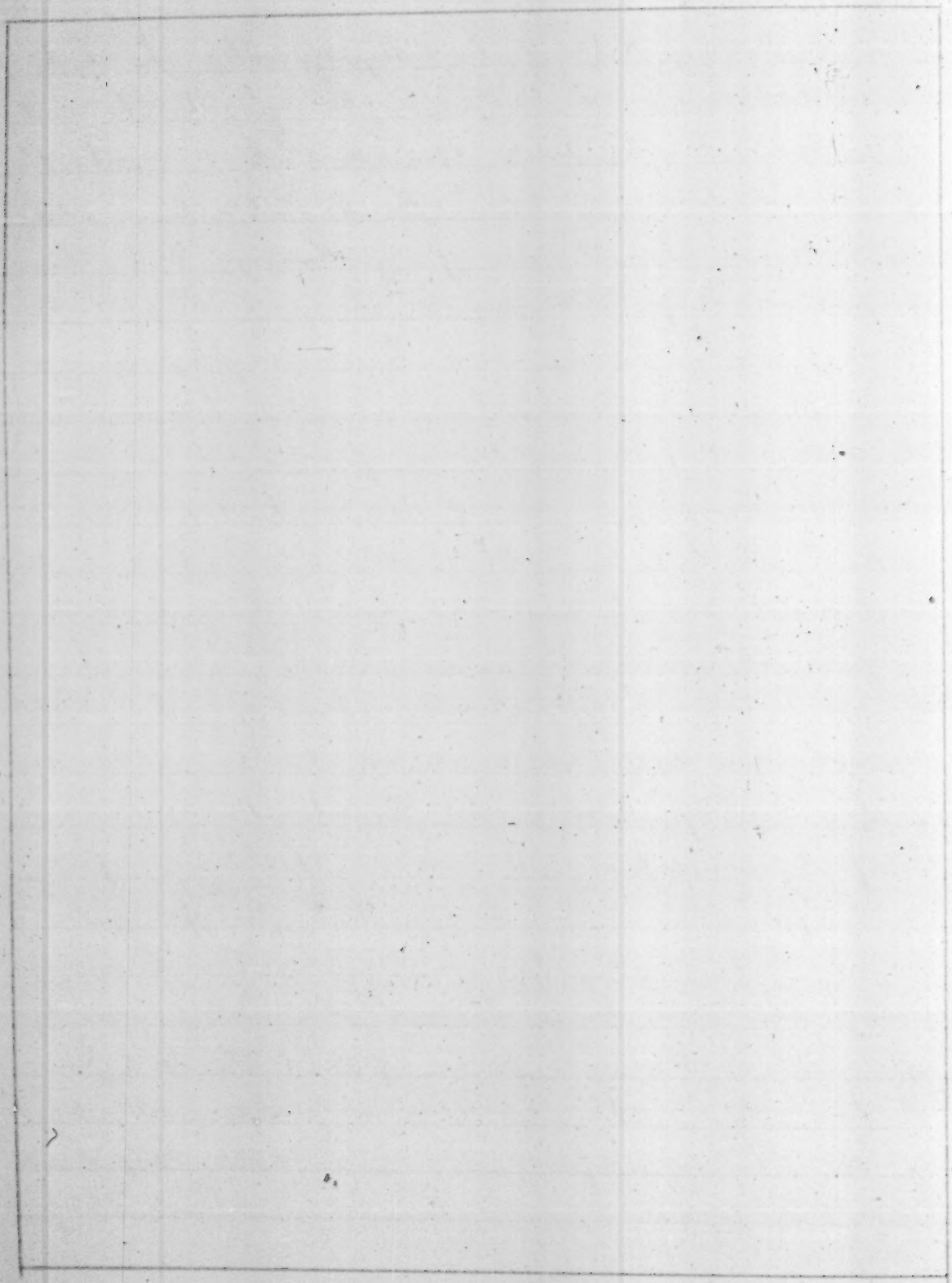
Submitt to Your Majestys Royal Wisdome and Iustice
Sam[l] Martin, Tho Sandford, Henry Sperling, W[m] Hunt
S Bethell, Robt Liddendale, Ra Knox, Tho[s] Walker
W[m] Dunbar, W Bowden, Tho[s] Syon, Josp[h] Maudint
Edw[d] Clarke Parish, Jn[o] Mackelean, Sam[l] Fennant, Joseph Cobilly
Sam Frye, David Crichton, Will[m] Black, Dan Radford
James Crockatt, Rowl Frye, Dand Barclay Jun[r], Henry Mack
Edw[d] Hunt, Jas Geo Douglas, Boston Long, John van Kleek
Cha[s] Pole, Alex[r] Johnstone, Papillon Bell, I. Salabert
W Clarke, A. Suite, John Vowen, Chris Roberts
Thomas Phelps, Nich[s] Rotchouch, John Perkins, John Owen
John Wilmer, Ri Corfe, Cudall Perkins, Ira Flower
Telman Henchell, John Thomlinson, James Buchanan, Jn[o] Charlton
William Horne, Humphrey Bell, R Glover, James Henchell
Sam Craghead, John White, Clem[t] Martin, Tho[s] Eames
Rich[d] Hainhouse, Abel Sonnereau, Pel Hussey, John Spicher
Thom: Godfrey, J Abr[m] Horten, Andrew Pringle, Thomas Seward
Nath[l] Bassnett, James Brogden.

(Enclosure)

Copy of the Verdict of the Coroners inquest upon the view of the body of James Radford late a Saylor on board the Ship Cæsar Francis Williams Commander.

And so the Jurors on their Oaths Say That one Samuel

Samuel Ballers Mas.r of his Majestys Ship the Tartar Pinck and divers other Mariners belonging to the said Ship Tartar & the Jurors aforesaid unknown on the 17th of this Instant may between 3 or 4 a Clock in the Afternoon in the 13th Year of our Soveraign Lord the King in a Barge belonging to the said Ship Tartar Manned with the aforesaid Persons in Company with him did go on board the said Ship Cæsar with Muskells & Cutlasses & did by force & violence break open the Companion door of the said Ship Cæsar & with a Muskell or Pistol loaden w.th Powder & Leaden Bullet did give to the said James Radford then being in the said Ship Cæsars Cabin one mortal Wound in the belly near the Navel which went through his body and came out at the right side of his hip, of which mortal Wound the said James Radford Soon after dyed and so the Jurors aforesaid upon their Oaths do Say That the aforesaid Samuel Ballers and others to the Jurors unknown by giving the said James Radford the mortal wound aforesaid in Manner & forme aforesaid the said James Radford then & there did Feloniously, Kill & Murder against the peace of our Soveraign Lord the King his Crown & Dignity.



D P R O South Carolina B T Vol II 357

New Windsor May the 22nd 1740

Sir

You may Remember I informed you of the Conestoga Army that lay west of the Chickesaws all last Year and that it was supposed their sudden peace with that Nation was to influence them to side their party in order to subdue the Creeks and make them their Subjects

The thing is now on foot by the late advice from the Chickesaws that our Traders which was confined, one was to be Executed the other three kept prisoners, and that Army was marched from thence to Encamp between Mobille and the Choctaws who are to Joyn them The method they intend to begin a Quarrel is to Demand some of the head men of the Creeks to be executed for to make Satisfaction for the Choctaws (whom they deem their subjects) they killed last Year; the Creeks now are aprized of the Danger they are in and all hands was to be employed building Forts. I am informed Chigilla some time since Burnt the Cloths yt the General gave him and at the same time Exclaimed much against the English saying they were Capons yt but the French were men and Warriors

Warriors.

Abut the first of May the French had a Meeting of the Lower and Upper Creeks, the Great Present that was so much talkt of occasioned them to take the Women of their familys to assist Burthening the Liquor Cloths Arms and Amunition home But to their great disappointment this Grand Affair consisted only of 7 or 8 Bottles of Brandy, this Exasperated the people and confounded their late friend Chigile, I am certain that the Trade being Stoped from this Town for sometime would please our friends and go nigh to break the villains Heart, the people of the said Town to be well Informed at the same time that we still respected them as friends, notwithstanding their head man Chigile Slighted and Demained Your best friends the English and after so many tokens of Friendship by last presents from the General, He Exclaimed against him and profes'd himself a French Man however I shall Endeavour to make his talk pass for Naught.

The Tuckabatche Captain Hallatche is coming Down as well as Eight Chickesaws who apriged the Creeks of their approaching Danger I believe it will be of Service to prevent Hallatche going to Charles Town

and

and perswaid him back with me he being one of the Main Men of our Dependance.

I hope Your Honour wont think me to blame for Staying here so long when you read as follows, the Traders with their Packhorsemen has all left the Nation Sometime, Except one to look after each Store so that If I had proceeded I should not have got one Man Nor as it is am affraid shall not get many the pay being so small to what they had for packing horses; as they find their own Horses they expect if they List to have the same allowed them as the Pharsons Men, If that could be allowed I should Muster a Sufficient Number of Active fellows some of which Probabelly may be broken Traders.

Its not to be Supposed I shall get many Indians to Joyn me against the Spaniards they Reckoning themselves in great danger of the French Army.

Your Honr is Satisfid that if the French gains their Point in Subduing the Creeks it will be of the worst Consequence to y^r Governm^t.

I am of opinion the Creeks will be much Animated to see me Come there with a Number of Men to assist them against their Enemy and Daunt the others, If Your Honr Intends to Continue me any time

in

in Your Service, it would be necessary you ordered to be sent up here for the company a Sufficient Quantity of those Arms that was in the Colonel Chamber at Eight pounds p.r p.r they being fet for Horsemen and bullets filling their boar powder Swan Shot Calick Boxes bullaers a Drumand a p.r of boulars with additional orders how to proceed as the State now Stands between the French and Creeks, and as there has frequantly bin very pernicious persons amongst them un Licenced or otherwise who Stand in Defiance of Government I would be glad to know after what manner I should behave to such. May the 23d Hallatchey is Just arrived and Informs me that he met Chigilly and several others going to the French Fort between the upper and lower Towns Chigille Endeavoured to turn him back but would not be perswaided, he told him he had a Captain Comission from the English Governour And he would go down to him and get Amunition to fit out and lead his own Tribe the Kings family to War against the Enemy the Spaniards; He has Consented to return back with me but Insists I shall provide him with the aforesaid and some other things as is mentioned on the other side which I hope you wont think amiss of.

But

But for the future I hope to have Instruct-
-ions accordingly As it is Customary for the Indians
to take the Opportunity of doing what mischief
possible they can when the Traders are down I
think it very necessary I should be there so intend
to set from hence in two or three days at furthest.
I shall have Ensign Geo. Croghan to Act men and
wait for your further Instructions wch I shall
think long of. Your Honor May Depend upon my
fidelity and that I will Exert myself in all
Matters of Trust Confided in

Your Hon^r Most Humble and
obedient Servant
A. Wood

A B An Acc^t of Ammunition Gun &c^a Articles
for his Majes Service vizt

25 Gunpowder
30 bullets
a Trading Shirt a Second hand Coat a Jersey Jacket
Hat a Mans Slop Boots Shoes and Buckels & a
Gun & 100 flints a handkerchief

The Eight Chickesaws is arrived and Captain Hart Intends
to Dispatch them to the General with Eleven Chickees

A true Copy Alex^r Cramahe C.C.

(Enclosure)

A Copy of a Letter to Thomas Andrews from one of his Factors in the Chickasaw Nation.

Mr Andrews.

The blind King is returned from the French Fort, and has Brought news of our whole people being carried away, three of the aforesaid whole people are to be sent to our Mayesties Territories, But Clarke is (as the Govr of Mobille reported to the blind King) to have his head taken off for taking up Arms against the back Enemy tho' they pretend it was on their own Account, the Govr of Mobille also intimated for the blind King after his return to this Nation waved for fact that he plainly told him the Governour of Carolina including all other of the King of Englands Subjects was like a Dunghill Fowl and was affraid of War or Else they would not suffer themselves to be killed and wounded by the Chactaw Indians in their way to the Chickesaw Nation he likewise told him that some time past (which was as I suppose the last Summer) that the Creeks had killed one of the leading men of the Chactaw Nation and that the said Chactaw Indians were his people and if the Creeks this Spring refused to Deliver the head of

one

one of their own people in peace of him which was killed of the Chactaws that he would Imediately assist them both with Ammunition men and everything else Fitting for the Conquering and Labaying of the Creek Nation which said discourse handled in so familiar a manner by the French you are desired by the white people and Red in this Nation to give an Immediate Account of it to all the Creek Nation in General that they may not be taken at a disadvantage, The Governour also desired the Chactaws when they come to War against this Nation to Spare neither white people here nor there Horses, as well as any other part of their Interest, wheresoever they meet with them for as the English People were like Dunghill fowls they were now designed to make it appear to all the adjacent Indian Nations that they were really the very thing they termed them to be, In order to Compleat their designs against the Creeks they have Burnt all their Houses and fortifications at this new Settled place and has Contracted a firm peace with this Nation, The French Governour says that they Cowetahs and Cussetahs with the Tuckabatchees Tassachees Tallassees and some other of the small Towns near the Tuckabatchees are his people and that he will assest

them

them against the upper Creeks. There has been about four hundred of the Chactaws here Three days ago and have killed and carried away most of the White peoples Horses.

Pray do not fail of acquainting both the Government as soon as possible and likewise to informe the Creeks of their approaching Danger This is from

Your very humble Servant

April 1 1740 M Farland

P.S Dont be affraid of any false reports being writ here for what is writ is fact, and all the white people and I are ready to aver that this is a true report of what they heard from the blind King

The above is a True Copy of the paper sent p^r Thomas Andrews to

A. Kelly

Rec^d with Col^o Bulls Letter of
ye 3^d June 1740

Rec^d August 11th
Read —— 14th } 1740

B P R O. South Carolina B T Vol II 136

Charles Town the 3d day of June 740

My Lords

The General Assembly of this Province having empower'd me to assist General Oglethorpe in the Seige of St Augustine My Endeavours and attention have been employed in raising a Regiment of Six hundred Men for that Service, & they have been accordingly dispatched to the General Rendesvous at St Johns about 12 Leagues to Northward of St Augustine, with Provisions Arms Ammunition Cannon and all other necessarys from this Province, & also Arms & Presents for a number of Indians expected to our assistance.

By the last advices General Oglethorpe with these Forces was on his March towards the Castle, & had taken a Fort in his way which had Nine Swivel & Six Carriage Guns, & Small Arms & a Garrison of 80 Men who are now Prisoners, & in all probability by this time the General is before or in possession of the Town of Augustine so many of his Majestys Ships being at the Entrance of that Harbour prevents any relief by Sea, and by their Scarcity of provisions it is not doubted but that the Castle will soon be Surrendered.

At the same time I beg leave to Express my

Concern

Concern for the danger that threatens this Province by means of the Powerfull Interest & Influence the French have among the Indians, who are the worst kind of Enemies to the British Subjects, but more especially in Case of a Warr with France. Altho the French could not in several attemps Subdue the Chickesaw Indians, yet they have gained their ends by making Peace with them, & have carried away a Prisoner of Warr four of our Traders from among the Chickesaws one of whom the Governor of Mobile said should loose his life under pretence that he had assisted the Chickesaws against some Indians they call the back Enemy, & this Week I had Information of that Traders having been executed accordingly, & the other three Traders are ruined by the French & detained as Prisoners of Warr; The French are constantly endeavouring to prevail with the Indians to Murder our Traders, whose Goods are a strong temptation to them to execute the Same, as will more fully appear by the inclosed Copies of Letters from among the Creeks Indians where the French have a Fort & a great Influence.

Trade and Commerce is the most easy means to keep a Peace with Indians but if the French can terrify or prevent our Traders from going amongs them

in

in a time of Peace, Forces sufficient to protect & defend the Trade will be absolutely necessary in case of a Warr with France.

But as this would occasion an Expence too great for the Strength and ability of this Province we must therefore rely upon His Majestys Goodness & hope for his Protection & further Assistance to enable us to withstand & defeat the attempts of his Enemies.

As I apprehend these matters are of great consequence to His Majestys Interest and Service I thought it my duty in the behalf of this Province to represent & lay them before your Lordships & humbly hope that in due time we shall feel the good effects of His Majestys Gracious Concern for the welfare of his loving Subjects tho remote from his Royal Person.

I further presume to acquaint Your Lordships that the Number of his Majestys Council in this Province is reduced by the Death of the late Chief Justice & Mr Thomas Waring, by Mr Hammertons being absent several years, Mr Braithwaite & Mr Crockat being removed to Great Britain, and Mr Joseph Wragg gone to Boston for his health, & as I am in the Administration of the Government there are but five Members residing at present, & Some of them often indisposed that I found it

A necessary to fill up a Vacancy in the Council by appointing Colonel Joseph Blake a Gentleman whom I had formerly recommended as a member pursuant to His Majesty's Commission in such cases. I am with the greatest respect

My Lords

Your Lordships

most obedient & most humble Servant

Wm Bull

The Right Honble the Lords of Trade

Recd August 14th
Read ——— 19th } 1740

B. P. R. O. South Carolina B. T. Vol. 9 fol. 142

(12th June 1720)

At the Council Chamber Whitehall
the 12th Day of June 1720

Present

Their Excellencys the Lords Justices in Council

Upon reading at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs dated the 1st of this Instant in the Words following Viz.t

Your Excellencys having been pleased by your Order in Council of the 29th of Last month to refer unto this Committee a Representation from the Lords Commissioners for Trade and Plantations setting forth, that there is a Vacancy in His Majestys Council of South Carolina, occasioned by the Death of Thomas Young Esqr and that Colo Joseph Blake having been recommended to them as a Person every way Qualified to serve his Majesty in that Station, they therefore humbly propose that he may be appointed to Supply the said Vacancy. The Lords of the Committee this day took the said Representation into their Consideration, and do thereupon agree to Report that they have no objection to Your Excellencys appointing the said Colo Joseph Blake to be

His

His Majestys said Council in the Province of South Carolina in the room of the said Thomas Waring Deceased.

Her Excellencys the Lords Justices this Day took the said Report into Consideration and were pleased with the advice of His Majestys Privy Council to approve thereof, and to order, as it is hereby Ordered, that the said Colo Joseph Blake, be Constituted and appointed, a Member of His Majestys said Council in the Province of South Carolina in the room of the said Thomas Waring deceased — And John Conraud and Andrew Stone Esqrs Secretarys to the Lords Justices are to prepare the usual Warrant for their Excellencys Signature

A true Copy Wm Sharpe

Read Septr 22d
Read October 11th } 1720

B P R O South Carolina B S Vol n Gus

(10th August 1720.

At the Council Chamber Whitehall
the 10th of August 1720
Present

Their Excellencys the Lords Justices in Council

Upon reading at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs dated the 13th of this Instant in the Words following Viz.t

Your Excellencys having been pleased by yor Order in Council of the 29th of May last to refer unto this Committee a Representation from the Lords Commissioners for Trade and Plantations, setting forth that there is a vacancy in his Majestys Council of South Carolina occasioned by the death of Robt Wright Esqr late Chief Justice of that Province, and that William Middleton Esqr hath been recommended to them as a Person every way Qualified to serve His Majesty in that Station. They therefore humbly propose that he may be appointed to Supply the said Vacancy; The Lords of the Committee this day took the said Representation into their Consideration, and do thereupon agree to Report, that they have not

Objection

294

Objection to Your Excellencys appointing the said William Middleton to be of His Majestys Council in the Province of South Carolina in the room of the said Robert Wright deceased.

Their Excellencys the Lords Justices this day took the said Report into consideration, and were pleased with the Advice of His Majestys Privy Council to approve thereof, and to Order as it is hereby Ordered that the said William Middleton Esqr be Constituted and appointed a Member of His Majestys said Council in the Province of South Carolina in the room of the said Robert Wright deceased. And John Courand and Andrew Stone Esqrs Secretarys to the Lords Justices are to prepare the usual Warrant for their Excellencys Signature.

A true Copy
W Sharpe

Recd Septr 22d
Read Octobr 11th } 1740

B P R O South Carolina Board Jrls

(8th July 1740)

My Lords

The Lords Commissioners of his Majs Treasury have commanded me to transmit to your Lordps the enclosed Memorial of Mr Glen Governr of South Carolina praying an Allowance or Salary, that may enable him to execute the Trust reposed in him for the Service of the Crown, for the publick welfare and prosperity of the Province, with Credit and reputation to himself; and their Lordps desire you will be pleased to consider the said Memorial, and favour them with your Lordships opinion what may be fit to be done therein I am

My Lords

Your Lordps most faithfull humble Servant

J Scrope

Treasury Chambers
8 July 1740
Lords Commrs of Trade

(Enclosure)

To the Right Honble the Lords Commissioners of His Majestys Treasury

The Humble Memorial of James Glen Esq
Governor

Governor of His Majestys Province of South Carolina

Sheweth

That it has been always Judged to be for the Service and interest of the Crown to annex suitable Salarys to the Royal Governments in the British Plantations being absolutely necessary to enable the several Governors to support the dignity of their respective Stations, and to encourage them in taking proper care of the Rights and Prerogatives of the Crown, by preventing any encroachments thereon from the People.

That the Salary annexed by the Crown to the Government of South Carolina was one thousand Pounds per Ann besides which the Governor had the Profits of an Independant Company there, and some other beneficial employments, which together with the Country Salary and House rent (which was then about £120) made the whole of the Governors encome amount to upwards of £3.000.

That the Salary of £1000 being now diverted into a different Channel, and all the employments enjoyed by former Governors given to other Persons either by His Majesty's Royal Sign Manuall, or by Acts of Assembly, and the Country Salary being reduced to £300. and that extreamly precarious, since the People declare they will withdraw it if His Majesty shall discontinue a Salary

to

to the Governor the whole of a Governors income will scarcely amount to one tenth part of what former Governors of this Province have had.

That your Memorialist humbly apprehends it would be unpardonable in him to attempt to offer any arguments to satisfie your Lordships that such an income as this is by no means suitable to the Station of a Governor, or even sufficient to maintain your Memorialist and his family in an equal degree of decency with the common Planters there; The smallness of the sum makes all observations of that kind unnecessary. And therefore your Memorialist hopes that a Provision shall be made for him as Governor, and that he shall be enabled to proceed to his Province in his Predecessors have been.

That your Lordships great discernment makes it unnecessary for your Memorialist to point out the many difficulties a Governor must necessarily be exposed to whose sole dependence for his support is upon the People he presides over, and the many Inconveniencys that must unavoidably spring from such a Constitution of Government, from all which considerations your Memorialist is perswaded your Lordships will see the necessity there is of allowing him

him a Salary, that so he may be thereby enabled to Discharge the Duty of his Trust to the Honour and for the Service of the Crown, for the publick welfare and prosperity of the Province, and with Character and reputation to himself.

And your Memorialist as in Duty bound shall ever pray.

Recd
Read } July 9th 1740

B P R O. South Carolina B T Vol n 685

Charles Town the 21st day of July 1720

My Lords

I beg leave to lay before Your Lordships a Copy of a Representation from the Council & Assembly of this Province to his Majesty, of Our Affairs in relation to the French, Spaniards & Indians, and the dangerous Scituation of this Province & Georgia, as they are the weakest & most exposed of any of his Majesty's American Dominions, & are thereby in the more need of his immediate Protection and Assistance.

For these Reasons I am desired to make this Application to Your Lordships in the behalf of the Council & Assembly, & I doubt not but this Province will at this time have the same benefit from Your Lordships Justice, Countenance & Assistance as Your Lordships have been pleased to shew for the Welfare of Carolina on many other Occasions, and that upon Your Lordships Consideration of these Affairs and Recommendations of the same to his Majesty, we may have the good fortune to have Our hopes & Expectations answered & feel the good Effects of his Majesty's Royal Care & Protection. I am with the greatest Respect, My Lords

The Rt Honble the Lords of Trade

Your Lordships, most Obedient & most humble Servant

Wm Bull

(Enclosure)

To the Kings most Excellent Majesty

The humble Petition and Representation of the Council and Assembly of Your Majestys Province of South Carolina upon the present State of the said Province

Most Gracious Sovereign

We your Majestys most dutifull and loyal Subjects the Members of your Majestys Council & the Members of the Commons House of Assembly of this Your Majestys Province of South Carolina now met together in general Assembly, to take under consideration the dangerous Situation in which the Province now is, most humbly beg leave to Represent to Your Majesty, That it is with the utmost Grief & Concern We find the Province greatly reduced & weakened by a series of Calamitys and Misfortunes which have attended it for some time past, The small Pox in the Year 1738 succeeded by a pestilential Fever in the Year 739 whereby Numbers who had escaped the first were carried off by the last That again succeeded by an Insurrection of our Slaves in which many of the Inhabitants were murderd in a barbarous and cruel manner And that no sooner quelled than another projected in Charles Town and

and a Third lately in the very heart of the Settlements, but happily discovered time enough to be prevented

Wrestling with Difficulties at home We see ourselves at the same time exposed to Dangers from abroad to Enemies very near, and by far too numerous & powerfull for us; And that the many Succours which Your Majesty has been graciously pleased from time to time to give us, and what We, weak as We are, have been able to do for ourselves, come far short of Your Majtys Royal Intention & Our Expectations from thence.

It is with great reason We apprehend, that That part of Our Calamitys proceeding from the frequent Attempts of Our Slaves, arises from the Designs & Intrigues of Our Enemies the Spaniards in St Augustine & Florida; who have had the Ruin and Destruction of these Your Majestys Colonies of South Carolina & Georgia long in View; Witness the great Preparation made at the Havanna & St Augustine about three Years ago, for a powerfull Descent on these Provinces, and since that in time of profound Peace also, a Proclamation publish'd at St Augustine, in his Catholic Majestys, name promissing freedom & other Encouragement to all Slaves that should desert from your Majestys Subjects of this Province, and join them, In Consequence of which Proclamation many

many have already deserted and others encouraged daily to do the same, and even those who have committed the most inhuman Murders, are there harboured entertained & caressed, Such may it please your Majesty was the Situation of this Province, when General Oglethorpe applied to us, to assist your Majestys Forces in Attacking St Augustine. Induced by the Assurances We had from that General, and the Commodore of your Majestys Ships of War, met together in the Harbour of Charles Town, of the Great Probability there was of Success, and by the Advantage We were sensible would thereby accrue to Your Majestys Subjects of this Province and Georgia, and for the Glory of Your Majesty's Arms, in reducing a Fortress which stands an Eye-sore to the British Dominions in North America, And as such has been before attempted by this Province but without Success We exerted ourselves and Chearfully voted such a Supply of Forces as that General thought Sufficient to succeed in that Expedition, together with a great Quantity of Provisions Artillery, Warlike Stores, Vessels for Transportation, Arms & Presents for five hundred Indians, and many other Necessaries. But considering the Uncertainty of Warlike Events, and that the Enemy might be Stronger than the General had represented them to be,

We

We added two hundred men more. The whole Expence amounting to a greater Sum than our present circumstances could well bear. With this additional Reinforcement We had the greatest Reason to hope for Success and more especially as to all this was afterwards added your Majestys great Supply sent to the General of Artillery Stores proper for such an undertaking. But so it has fallen out, that with Hearts full of Sorrow & Anxiety, are we now obliged to represent to your Majesty, That this Attempt has proved altogether unsuccessful, and the Troops sent from this Province by express Orders dated the 9th instant from Genl Oglethorpe to their Commanding Officer, ordered to withdraw from before Augustine; and to carry off or destroy the Cannon made use of by them against the Enemy. Whether the bad Success of this Expedition, proceeds from Misconduct or from any other Cause, We shall not presume to judge. But, May it please your Majesty, such being the Issue & Event of this Unhappy Expedition, in which all our hopes were placed, we are now exposed to a powerfull Enemy, roused with Resentment, and encouraged by our Disappointment, are become more formidable than ever, and if not speedily prevented by a superior force, may soon turn their Arms against Us. And what a Tragical Scene

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an Attack from a foreign Enemy must produce, when at the same time our whole force will be scarce sufficient to guard against that within us is but too apparent.

Exposed as We are to present Danger from the Spaniards, Consequences more fatal to us, as well as to the whole of Your Majestys Dominions in America, are to be apprehended in case of a Rupture with France, from the wonderfull Progress made in these few Years by that Nation, in their grand & long projected Scheme of opening a Communication between their Canada or Luebec Settlements and those on the great River Mississippi to the Bay of Mexico. A Scheme great to them, but dangerous to the British Dominions, as has been heretofore set forth by the several Representations made to Your Majesty from this Province since the Year 1734. This Communication being now opened, by that means they have an Army of between three & four thousand Men on our backs, and have of late built new Forts & reinforced those formerly built, by which there is great Reason to apprehend that they are able not only to prevent the Progress and Extention of the British Settlements in North America, but to Invade some of what is already settled.

As

As We have heretofore humbly represented to Your Majesty, this Province & that of Georgia have the most to fear; not only on account of their being the weakest and most exposed to their Enemies, but on account of their Situation and the great Advantage the French must consequently have by becoming Masters of them. Any Country between these Colonies & the French Settlements & Garrisons on the Rivers Mississippi & Movile, being plain flat & open, not intersected by the large Appalatchian Mountains, We have therefore no other Barrier but a few Nations of Indians far inferior in number to theirs. Next to them are the Chickesaws, a bold and brave People stedd Friends to Your Majesty's Subjects of this Province, but not now in number above four hundred men. With them the French have lately made an insidious Peace, and in their Security thereupon many of them have been cut off by the Chactaw Indians. These Chactaws are very numerous, and under the immediate Influence & Direction of the French. This together with the many former Attacks upon that brave Nation of Chickesaws, leaves no room to doubt of their Intention to extirpate that People as they have already done the Natchez with a view manifestly to make their next Attempt on the Creeks; the only remaining Barrier in that case between us and the French. In that Nation the French have long

long had a Fort called the Albama Fort, which they have lately reinforced, and by repeated Intelligence from our Traders, are now using their utmost Endeavours by offers of great Presents, as well as Threats to withdraw that People from Our Interest, and to engage them to destroy our Traders now amongst them. In which were they to succeed, terrible must be the Fate of these Your Majesty's Provinces of South Carolina & Georgia, who unless supported must fall a Prey to them and their numerous Indians; whose Devastations & Cruelties this Province has heretofore fatally experienced, and they in that case, become Masters of what they have long had in view (to wit) a Settlement and Ports on this Eastern Part of the American Continent, so absolutely necessary for the Support and Advantage of their back Settlements, & of great Use to their Sugar Islands in America, which at present depend almost wholly upon the English Colonys for Lumber & Provisions; But as they are now Situated have no other opening but from the Rivers Mobille & Mississippi at the extremity of the Bay of Appalatchee in the entrance of the Gulph of Mexico; which renders their Traffic from these Colonys not only tedious but dangerous. And then once having secured a Settlement on this Shore, and a Communication opend to their Settlements on these Rivers, We have reason to apprehend.

they

they may become Masters of all Florida and its Coasts, quite down to the mouth of these great Rivers, including St Augustine itself, if it remains unconquered by Your Majesty and that large Tract of fertile & rich Soil called the Appalatches, formerly conquered by the Inhabitants of this Province from the Spaniards. Such May it please Your Majesty, seem to be the great Schemes of the French; part of which are already executed and performed; & what are to come We can easily foresee, but are of too high & extensive a nature for us to prevent.

Expectations and Hopes arising at first from the Settlement of Georgia, being now vanished and gone by the drooping & languid Condition of the few Inhabitants which still remain there; Our own Inhabitants & Fortunes greatly reduced & impoverished by the long Series of Calamities & Misfortunes heretofore unknown, We have nothing left but to fly to Your Majesty for Protection, And full of Gratitude for the many Favours heretofore conferred on this Province and confiding in that glorious Disposition & Spirit so lately evidenced and made appear to us by Your Majesty in the early care taken of these Your remotest Subjects in America by the Assistance of so many of Your Majestys Ships of War, the good Effects of which We have already in many Instances experienced.

We

We most humbly & earnestly implore Your Majesty's most Royal & Paternal Protection & Assistance against Enemies by Land & particularly those in St Augustine, who no doubt by our Disappointment now bid Defiance to the Power and Force of this Province, And from whence we have sustained so many Losses & Injuries by the Reception from time to time of our deserted Slaves; and even of those who have committed the most barbarous & cruel Murders of their Masters. And We most humbly pray Your Majesty, that in case this Fortress should remain unconquered, then in any future Peace to be concluded between Your Majesty & the King of Spain provision may be made for the Restoration of our Slaves already deserted, And for Our Security against such Evils for the future; As also for the great Expence which has attended this Province in Consequence thereof.

All which is most humbly & earnestly submitted to Your Majesty's Royal Consideration

In the Upper House of Assembly the 21st day of July 1740

By order of the House John Fenwicke

In the Commons House of Assembly the 21st day of July 1740

By order of the House Wm Bull Junior Speaker

A true Copy

Alexr Cramahe

Read Sept. 18th
Read Oct. 7th 1740

B P R O South Carolina B T Vol 27 f 26

(7th August 1730)

To the Right Honourable the Lords of the Treasury

My Lords

Pursuant to a Letter from Your Lordships Secry dated the 8th of July last, desiring the Opinion of this Board on the Memorial of James Glen Esq. the Majesty's Governor of South Carolina Praying an allowance of Salary that may enable him to execute the Trust reposed in him for the Service of the Crown, for the publick Welfare and Prosperity of the Province, and with Character and Reputation to Himself We take leave to acquaint your Lordships.

That We have been attended by the said Mr Glen and by some Merchants trading to that Province, and having Discoursed with him upon the subject of his Memorial to Your Lordships. He informed us.

That his Predecessors in this Government have usually had a Salary of £1000 a Year, granted them for their Support, which Salary has lately been appropriated to other Purposes.

That it would be a Discredit to his Character if he was to go to his Government without a Salary equal to what his Predecessors have had, and might

might induce the Province either, to withdraw the allowance usually granted by them to the Governor there, when they shou'd find he came thither without any Support from Home, wherein the said Merchants also concurr'd with him, or else would render him more Dependant upon the People for a Support than would be Consistent with his Duty to His Majesty and the Execution of the Trust reposed in him And then proceeded to the several Allegations in his Petition which he proved to the Satisfaction of ye Board.

For which reasons and Considering also the very great Importance of St Carolina, to the Crown, We are of Opinion, That it is for his Majesty's Service, as well as for the good of the Province, that the Govr should have an allowance or Salary granted him, and that less than the usual Salary of £1000 Sterling a Year will not enable him to execute the Trust reposed in him for the Service of the Crown.

We are

My Lords, Your Lordship's

most obedient and most humble Servants

Whitehall
August 8th 1720

Ja Brudenell Monsen
Ar Croft M Bladen

B P R O South Carolina B T vol 27 f 27

(19th August 1700)

My Lord

Having received a Letter from Mr Ball, President of His Majestys Council of South Carolina dated the 3d of June last, containing an Account of the State of that Province; We take leave to transmit to Your Grace an Extract thereof, for Your Information. We are

My Lord

Your Graces

most obedient and

most humble Servants

Monson

M. Bladen

Jo. Brudenell

Whitehall
Augst 19th 1700

His Grace the Duke of Newcastle

(For the above mentioned Letter see Page 311 [illegible])

B P R O South Carolina B T Vol 27 f 25

(5th October 1740)

To His Grace the Duke of Newcastle

My Lord

Having lately received a Letter from Colo Bull President and Commander in Chief of South Carolina, dated the 28th July last transmitting the Copy of a Representation from the Council and Assembly of South Carolina to His Majesty upon the present State of that Province; We take leave to inclose to Your Grace a Copy of the said Letter & Representation, and to desire Your Grace will be pleased to lay the same before their Excellencies the Lords Justices for their Orders thereupon. We are

My Lord

Your Grace's

most obedient and most

humble Servants

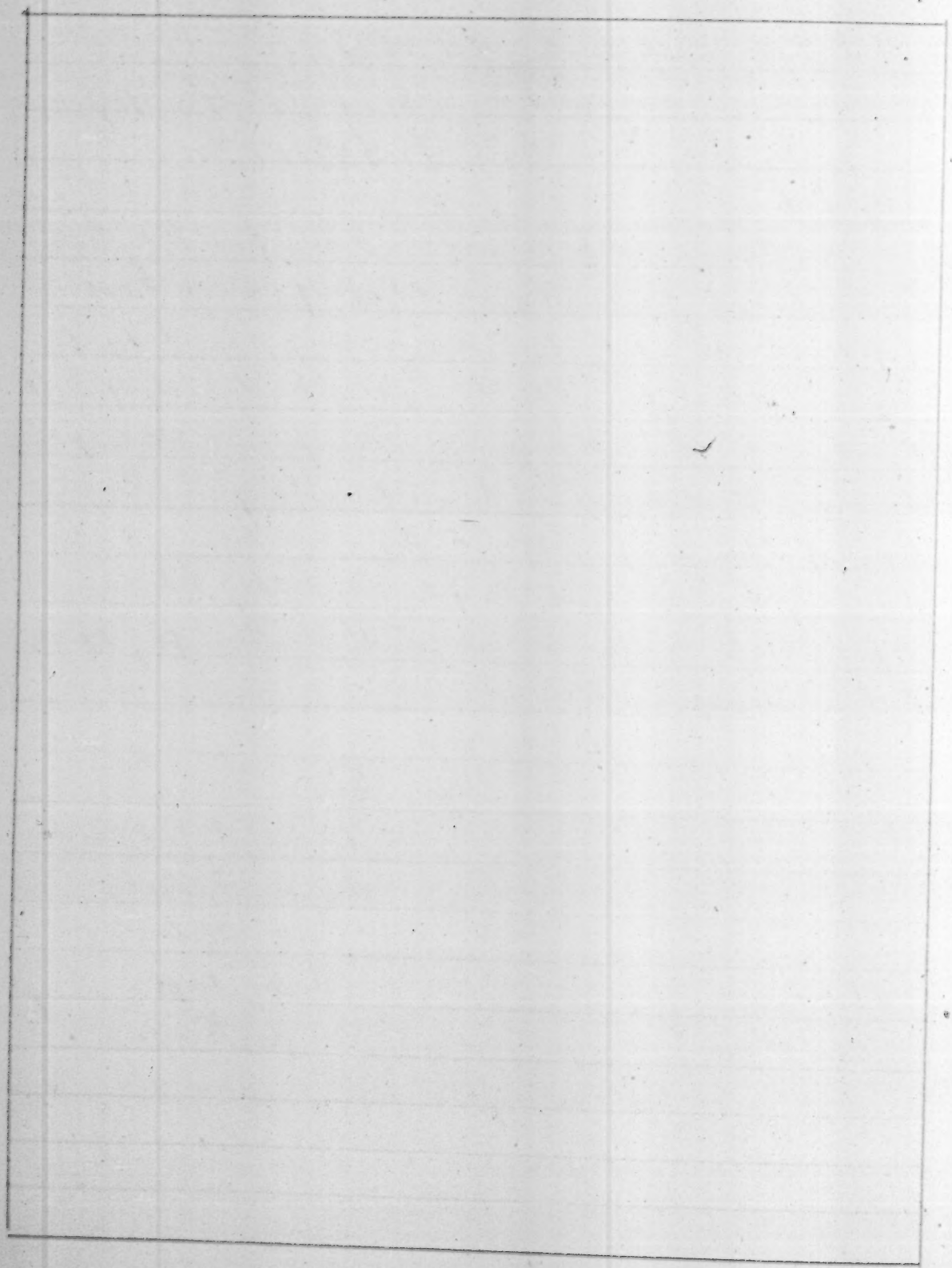
M Bladen

Ar. Croft

R. Plumer

Whitehall
October 8th 1740

For the above mentioned Representation See Vol
July Let 88



B P R O South Carolina B T Vol n Gen

(15th August 1720)

At the Council Chamber Whitehall

the 15th day of August 1720

Present

Their Excellencys the Lords Justices

Arch Bp of Canterbury, Lord Privy Seal, Lord Steward, Chancellr of the Exchequer

Lord President, Earl of Abercorn, Earl Sdy Walter Viscount Torrington

Lord Monson S. William Yonge

Whereas a Petition was some time since Presented to His Majesty at this Board by Henry McCulloh Esqr Setting forth that His Majesty having been graciously pleased to appoint him to be Comptroller of His Majestys Quit Rents in South and North Carolina in Order to make the Petitioner a Check upon the Land Office and to prevent the Evading His Majestys Orders in relation to Grants of Land. And that for the better Enabling him to Discharge his Duty therein, His Majesty has been likewise pleased to give the Petitioner a Body of Instructions, In the 15th and 16th Articles of which are prescribed the Methods which are to be observed in the Granting of Lands for the future. That as the Power of disposing and making Grants of His Majestys Lands in the said Provinces is vested in His

Majesty

Majestys Governors there, under the Regulations and Restrictions for that purpose contained in their Commissions and Instructions, the Petitioner therefore most humbly Submits, whether it will not be for His Majestys Service, that Directions should be given to the Governors of the said Provinces of South and North Carolina, pursuant and agreable to what His Majesty has been pleased to Declare as His Royal Will and Pleasure in the said 15th and 16th Articles of Instructions so given in Charge to the Petitioner — Their Excellencys the Lords Justices have taken the said Petition into their Consideration together with the aforementioned Articles of the Petitioners Instructions and have received the Opinion of the Lords Commissioners for Trade and Plantations, and also of a Committee of the Lords of His Majestys Most Honourable Privy Council thereupon, and Do find that the said Articles of Instructions are Calculated to prevent the many Inconveniencys that may have arisen from the want of a proper regulation in the Land Offices in the said two Provinces of North and South Carolina, and that Notice is therein taken, that although the Governors of those Provinces are by their Instructions expressly Enjoined not to grant any more Lands than in the Proportion of fifty Acres to each

Person

Person in the Grantees Family, which Number it was
His Majestys Royal Intention should have been Seated
and Cultivated by the Persons for whom the same
were so granted, Yet that notwithstanding the same
His Majesty hath been informed that in many Instan-
ces His Royal Orders have been Evaded ___ Their
Excellencys therefore Judging it proper that the Gov-
ernors of both the said Provinces should be informed
of the Methods prescribed by the Petitioners afore-
mentioned Instructions, and be required Strictly to Observe
the same in the making Grants of Lands for the future,
Are therefore pleased with the Advice of His Majestys
Privy Council to Declare and Order, as it is hereby accord-
ingly Declared and Ordered, That all Persons Petitioning
for Lands shall previous to their Obtaining a Warrant
thereupon, prove their right before the Governor and
Council when at least four Members of the Council
shall be present not having any Concern or Interest
in the Lands Petitioned for, and that if the Lands
so Petitioned for are granted accordingly, in such Case
the Warrants for granting the same be thereupon
drawn up and Signed by the said Governor in Council
and made returnable by the Surveyor within Twelve
Months at farthest from the Dates thereof, and that

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a particular Description of the Lands so Petitioned for, be inserted in the Warrants, and that before the Warrants shall be delivered to the Surveyor, a Docquet thereof be entered in the Auditors Office there, and that in Default of any of the said particulars being Observed, the said Grants shall be void. — And their Excellencys the Lords Justices are hereby further pleased to Order and Declare, that when the Warrants shall be returned agreable to the aforegoing Directions, the Grants shall be made out in due form, and that the Terms and Conditions on which such Warrants were issued and the Lands were Surveyed, be particularly and expressly mentioned in the respective Grants, and that the said Grants shall be registred within Six Months from the Dates thereof in the Secretarys Office there, and that a Docquet thereof be also entered in the Auditors Office there, or that in Default thereof such Grant shall be void, Copys of all which Entrys shall be transmitted regularly by the proper Officers to the Lords Commissioners of His Majestys Treasury or to the Lords Commissioners for Trade and Plantations, within Twelve Months from the Dates thereof. — And the Governors or Commanders in Chief of the said Provinces of South and North Carolina for the time being and all others whom it

may

may concerne, are hereby required, that in making Grants of Lands in those Provinces for the future, they do strictly pursue and follow the Methods above prescribed. And Whereas the said Henry Mc Culloh hath represented, that in regard the just Observance of His Majestys Commands, in making a due regulation in the Land Office, and freeing it from the Abuses that have hitherto been too much encouraged, and in the Enquiry he is to make into the many frauds that have been practised may render him Obnoxious to some of His Majestys Officers, as well as those Planters who may have been concerned in the said Frauds, he therefore Prays that the Governors of the said Provinces may be Ordered to give him their Protection and Support. Their Excellencys the Lords Justices are therefore hereby further pleased to Order that the Governors or Commanders in Chief of His Majestys said Provinces of South and North Carolina for the time being, Do take effectual care, that no Person whatsoever be permitted to insult or Disturb the Petitioner in the Execution of his Office and that upon all Occasions the said Governors or Commanders in Chief do give the Petitioner their Protection and Support, and be aiding and assisting in whatsoever the Petitioner may do, pursuant to the Powers granted him by

His

His Majestys Commission

A true Copy
W Sharpe

Recd Sept. 22d
Read Oct. 16th } 1740

B P R O South Carolina B T vol 27 p 29

(9th October 1740)

To their Excellencies the Lords Justices

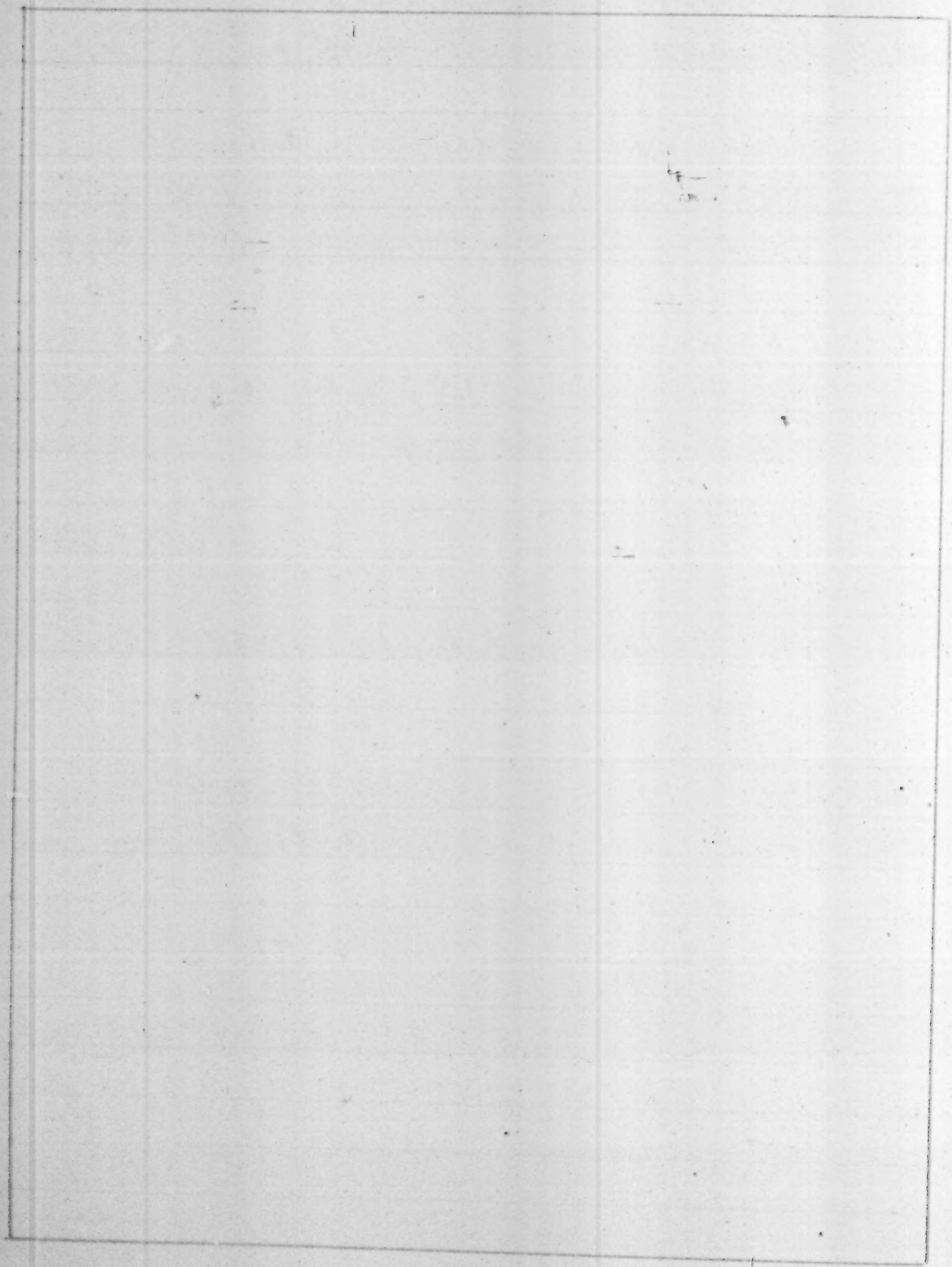
May it please Your Excellencies

John Braithwaite Esq[r] One of His Majesty's Council in South Carolina being deceased and John Cleland Esq[r] being recommended to us as a Person every way qualified to serve his Majesty in that Station We humbly take leave to propose to Your Excellencies that he may be appointed of His Majesty's Council in South Carolina, in the room of the said John Braithwaite Esq[r]

Which is most humbly submitted

M Bladen
R Plumer
Jn Brudenell
A Croft

Whitehall
October 9th 1740



B. P. R. O. South Carolina B. T. Vol II I39

Extracts, Notes and References relating to the Charter & Fundamental Constitutions of Carolina

13th June. 17th Year of his Reign — Charles the 2d by Charter granted to the Lords Proprietors, the Province of Carolina, with the Royalties, &c of a County Palatine, with power to confer Honours, &c they were not the same with those in England.

5th March 1669 — The Lords Proprietors made certain fundamental Constitutions, under their Hands & Seals, & amongst others the following viz.t

Const. 9. — There shall be first as many Landgraves as Counties, & twice as many Cassiques, and no more. These shall be the hereditary Nobility of the Province, & by Right of their Dignity be Members of Parliament. Each Landgrave shall have 4 Baronies hereditarily & unalterably settled upon the Dignity.

Const. 11. — Any Landgrave or Cassique before the Year 1701 shall have Power to alienate, sell or make over to any Person his Dignities, with the Baronies thereunto belonging, all intirely together; But after the Year 1700, No Landgrave or Cassique shall have Power to alienate, sell, make over or let, the hereditary

hereditary Barronies of his Dignity or any part thereof otherwise than as in 3 is but they shall intirely, with the Dignity thereunto belonging descend unto the Heirs male, and for want of Heirs male, all intirely & undivided unto the next Heirs general, and for want of such Heirs shall devolve into the Hands of the Lords Proprietors.

Const 18. The Lords of Seignories & Barronies shall have Power only of granting Estates not exceeding 3 Lives or 31 Years in 2 thirds of the said Seignories or Barronies, and the remaining 3d shall be always Demesne.

'The Constitutions, it is said, were never Ratified by the People, and therefore are not binding; By which must be meant, they never were established or passed into a Law by the General Assembly; which may be true; but they are nevertheless binding upon such Persons as excepted of Lands upon the Condition of submitting to these Constitutions, as every Landgrave and Cassique did, the Dignity of Landgrave with the Lands being granted to him & his Heirs, e secundum tenorem fundamentalium Constitutionum nostrarum'

"nostrarum"

Book A fo 3e 173. The Lords Proprietors without regard to the Number of Landgraves and Cassiques limited by these Constitutions, created a considerable Number of Persons Landgraves and Cassiques. — Granting to each Landgrave 48000 Acres, & to each Cassique 2000 Acres, soon after the passing of which Grants, they established certain Rules directing the Method how such Lands should be admeasured and ascertained to the Proprietors.

Instruction to Gov. Morton fo 18 par 18

By the Rules to the Governors, any Landgrave or Cassique producing his Patent, and having subscribed the Book to bear faith &c.

Instruction to Gov Colleton 91 Ludwells Instructions 203. 204

"The Governor is to issue orders to the Surveyor "General to admeasure out to him as many of the "Squares for Barronies in the County as of Right "belong to him or he is willing to take up. "Provided that each Barrony be in one entire "piece, & that in no one County there be above "4 Barronies sett out to the Landgrave."

Col Synlés Instructions fo 182.

Instruct to Sec Moore book 2 fol 13 par 34

Instructions to their Secretarys, they are in a book for that use provided, exactly to register all Warrants issued to the Surveyor Genl & the Surveyor Generals Return they are to enter against the

Gov Crowns Inst 227 Book A fo 44 par ultra.

the

Instruct' to Matthews Surveyor Gen' par 2 fo 72 his Instr. 2 fo 98

the Warrant, and in the Warrant to the Surveyor General they are to insert the Names of the Persons to whom the Land is granted; Copies of which are to be sent to the Lords Proprietors, when Patents are produced to the Secretary, he is to prepare Conveyances for the Lands therein mentioned, pursuant to the Tenor of such Patents. So that the Patent alone without a Grant from the Governor, was not deemed an Effectual Title.

Ancient Patents

Most of the Patents granted by the Lords Proprietors, are of an Ancient date, & laid dormant till about the Year 1720, when the greater part of the Original Patentees were dead without having taken up or ascertained any Lands under their Patents, and the Lands that have been taken up by the Heirs of such Patentees, have been in several Tracts, chosen out of the most valuable Lands, without any Warrant or legal Authority, & never regularly returned or recorded in any Office

The Patents are usually called ancient, in Distinction to some later Grants, called modern Patents, and to others called reciprocal Patents.

Modern Patents.

The Modern Patents are Grants of Tract of Land to be taken up in any part of Carolina,

to be inrolled within two Years, with a special Direction in the body of the Deed, to the Surveyr General within 20 Days after notice, to cause the Land to be laid out and admeasured.

These Grants are all in trust for Mr Th^s Lowndes

Reciprocal Patents

The reciprocal Grants, are such as the Lords Proprietors made to each other, & are all now veted in the Crown, except those made to my Lord Carteret.

1718

The Lords shut up their Land Office, & sent Orders to their Govr in Carolina, not to grant any more Land.

See the Rules and Instructions for granting Lands.

The Governors under the Lords Proprietors had power to let to any Persons willing to become Inhabitants of Carolina, & not be able to purchase any Quantity of Acres, not above 80 Acres to each Person, & 30 Acres to each Servant at a Yearly Quit rent of one penny p^r Acre.

1729.

Act of Parliam^t for ye Surrender of the Ld^s Propr^s to His Majesty

In the Year 1729 An Act of Parliament passed in Great Britain for the Surrender of the Lords of Carolina to his Majesty, after the passing of which Act his Majesty was pleased to refer the settling and cultivating the said Provinces to the Lords of Trade, & their Lordships thought fit to cause one of

28th July 1730 of the ancient Patents granted to Sr Nathl Johnson Knt to be laid before the Attorney & Solicitor Genl for their Opinion whether such Grants were Legal and in force. Who reported, that they were of Opinion that in regard the place where the Lands lay, is not Described, nor any Method provided by which the same might be ascertained, such Grant by reason of the Uncertainty thereof, was absolutely void in Law.

Read Octob^r 1730

B. P. R O Ar Vr. I Vol 19 p ms

Charles Town the 22d November 1740

My Lord

I beg leave to lay before Your Grace the humble address of the Council and Assembly of this Province Representing to His Most Sacred Majesty the unfortunate and deplorable Condition the Inhabitants of Charles Town are reduced to by a most dreadfull Fire which broke out on the 18th Instant. Emboldens me to doubt from Your Graces accustomed goodness and Compassion but shall take the most favourable Opportunity to present it to His Majesty. And hope that your Grace will use Your powerfull Intercession with His Majesty in behalf and for the benefit and Relief of the Poor Sufferers, who now more than ever Stand in need of Your Grace's favour

I am with the greatest Respect

My Lord

Your Grace's

most Dutiful & most

humble Servant

Wm Bull

To His Grace the Duke of Newcastle

(Enclosure)

To

To the Kings most Excellent Majesty

The humble Petition of the Council and Assembly of Your Majestys Province of South Carolina On behalf of the distressed Inhabitants of Charles Town in the said Province

Sheweth

That on the eighteenth day of this instant November a most dreadful fire broke out in Charles Town, and in less that four hours, notwithstanding all possible endeavours to extinguish it, utterly consumed the best and most valuable part of the said Town, and has left many unhappy familys, who by an honest industry applied for many years past, had acquired a comfortable subsistence in the world, exposed to the severest want and misery.

That the misfortunes of the unhappy Sufferers have been rendered the more grievous, inasmuch as in that part of the Town which was destroyed, stood the largest and most usefull buildings, and the much greater part of the Shops, Stores and Warehouses, which contained the Goods and Merchandize which supply'd the whole Province, and which by this fatal disaster were wholly consumed.

That the Province, at a very considerable expence, had

had lately finished the Fortifications on the front of Charles Town, and had mounted the Guns which were bestowed on the Province by your Majesty's great goodness and bounty, but in this dreadful calamity the Carriages of the Guns on the curtain line, and some of the Bastions which defended the Harbour were also destroyed the Guns dismounted, and the place where they were planted left intirely defenceless.

That your Petitioners have caused a diligent enquiry to be made into the immediate losses which have been sustained, and by the account already taken according to the nearest estimate that can be made they cannot amount to less than two hundred and fifty thousand Pounds Sterling, but the unhappy consequences which may attend the whole Province by so considerable a misfortune in a place which was the general Repository of all the Goods and Merchandize, and Stores for War and defence, and in which the trade and business of the whole Colony is transacted, time only can discover.

Your Petitioners most humbly beg leave further to represent to your most Sacred Majesty, that such is the melancholy and distressed situation of this Province that this most severe and terrible event has succeeded the

the great expence the Province sustained in providing for the Public Defence against the impending danger of our Invasion from the Spaniards in the Year 1727 which was soon followed by the small Pox, which raged in Charles Town during the whole year 1738, and swept off a great number of the Inhabitants; and by the loss of many more in a malignant fever in the Autumn of the Year 1739; and after the great charge and increase of heavy taxes occasioned by the unfortunate and unsuccessfull attempt which this Province was prevailed upon to engage in against St Augustine.

That after such a Continued Series of misfortunes to a Province which has and may be rendered of some use to Great Britain, but who had not fully recovered, when their late Calamitys began, from the unhappy effects of a bloody Indian War, in the Year 1715; We humbly hope Your Majesty, in your Royal Judgment, will consider the Inhabitants of this Province, as hardly capable at their own expence to defend and secure this exposed Frontier, against the attacks or invasion of Your Majestys Enemys in the present War, or able to give any effectual relief to the unhappy Sufferers in Charles Town, who have sustained so vast

a

a loss, nor can Your Petitioners flatter themselves with any hopes of supporting themselves under so many difficultys, without Your Majestys most powerful and gracious Aid.

Your Petitioners therefore most humbly pray Your most Sacred Majesty, that You would be graciously pleased to take the unhappy and dangerous circumstances of this Province, in general and more particularly the case of the unhappy sufferers the Inhabitants of Charles Town, into Your Royal Consideration; and to grant such relief, as to Your Majesty, in Your great wisdom, and according to Your accustomed goodness, shall think fit.

In the Council Chamber the 21st day of November 1710 James Kinloch

In the Commons House of Assembly the 21st day of November 1710

By order of the House

Wm Bull Speaker

B. P. R. O South Carolina B. T Vol II 95

(1st December 1720)

At the Court at St James's
the 1st of December 1720
Present

The Kings most Excellent Majesty in Council

Upon reading at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs dated the 8th of this Instant in the words following viz.t

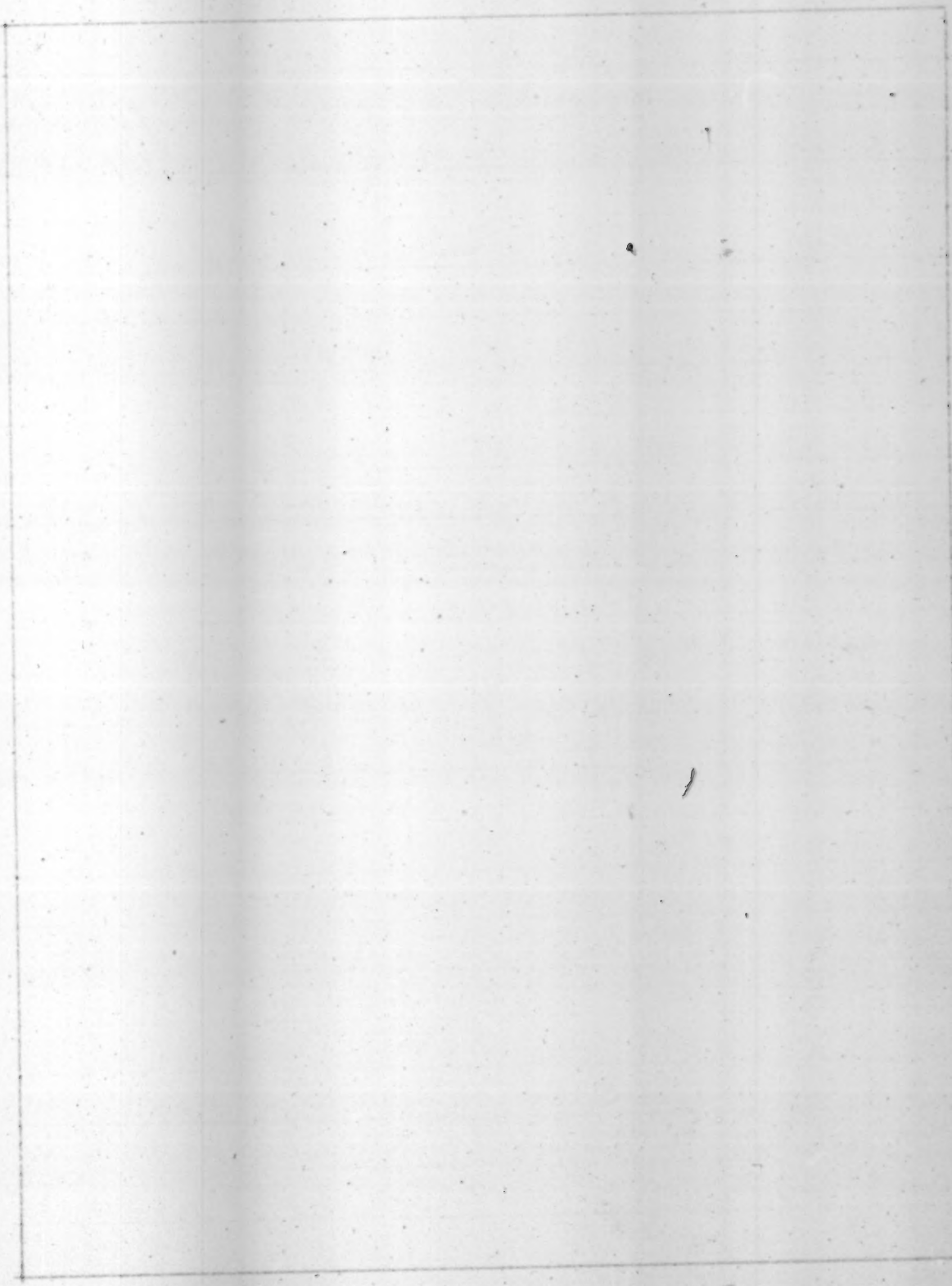
Your Majesty having been pleased by Your Order in Council of the 27th of last Month to refer unto this Committee a Representation from the Lords Commissioners for Trade and Plantations setting forth that there is a Vacancy in Your Majestys Council in the Province of South Carolina occasioned by the Death of John Braithwaite Esq.r and that John Bluett Esq.r hath been recommended to them as a Person every way Qualified to Serve Your Majesty in that Station They therefore propose that he may be appointed to Supply the said Vacancy The Lords of the Committee this day took the said Representation into their Consideration and do thereupon agree humbly to Report that they have no Objection to Your Majesty

Majestys Appointing the said John Cleland to be of Your Majestys Council in the said Province of South Carolina in the Room of the said John Braithwaite deceased

His Majesty this day took the said Report into consideration and was pleased with the advice of His Privy Council to approve thereof and to order as it is hereby Ordered that the said John Cleland Esqr be Constituted and Appointed a Member of His Majestys Council in the said Province of South Carolina in the room of the said John Braithwaite Esqr deceased And His Grace the Duke of Newcastle one of His Majestys Principal Secretarys of State is to cause the usual Warrant to be prepared for His Majestys Royal Signature Accordingly

A true Copy
Temple Stanyan

Read Octob. 15th
Read Nov. 12th } 1701



Vol No 20

1741

B P R O Journals: B T. Vol 60

Whitehall 10th Febuary 1741

At a Meeting of His Majestys Commrs for Trade & Plantations

Present

Lord Monson

Col: Bladen Mr Ashe

Read a Letter from the Duke of Newcastle, dated Febry 9th 1740/1 inclosing Copys of two addresses of the House of Commons to the King, one desiring an Account of the Quit Rents of North and South Carolina the other desiring an Account of the Present Governors in America, and their Appointments, as likewise of the Vacant Governments there, and of the Salarys & appointments thereunto respectively belonging, and Signifying his Majestys Pleasure that this Board should comply with the said Addresses.

. . . . . .

11th April 1741

Read a Letter from Col: Bull, Presidt of the Council & Commander in Chief of South Carolina to the Board, dated at Charles Town the 23d of Janry 1740/1 Signifying the Danger the Province is exposed to from the Spanish Row Galleys at St Augustine &c mentioning likewise the Death of the Deputy Provost Marshall

Marshall there.

Ordered that an Extract be made of that part of the said Letter as relates to the Row Galleys, and the Draught of a Letter transmitting the same to His Grace the Duke of Newcastle, in order to be laid before His Majesty, be prepared, which was accordinly done, agreed to and Sign'd.

* * * * * * *

27th May 1740

Read a Letter from Colo Bull, President of the Council and Commander in Chief of South Carolina, dated March 20th 1740/1, giving an Account of the Death of Alexander Skene Esqr and recommending Benjamin Whitaker Esqr in his room, mentioning likewise the Death of Capt James Sutherland, Commander of Johnsons Fort, & his having appointed Mr John Pennefather to Succeed him, till his Majestys Pleasure shall be known, taking Notice also of the Danger the Cherrokee Indians are in from the French.

Ordered that an Extract of so much of the said Letter as relates to the Danger of the Indians from the French, be transmitted to his Grace the Duke of Newcastle.

* * * * * * *

28th

28th May 1741

The Draught of a Letter to his Grace the Duke of Newcastle, enclosing an Extract from Mr Bulls Letter to the Board (mentioned in Yesterdays minutes) having been prepared, was agreed to transcribed and Signed.

4th June 1741

James Crockat Esqr One of the Council of South Carolina attending, acquainted the Board, that not designing to return again to that Province, he was come to resign his Seat in the Council there, upon which the Board Ordered the Draught of a Representation to be prepared, recommending Charles Pinckney Esqr to supply that Vacancy.

5th June 1741

The Draught of a Representation to their Excellencies the Lords Justices, recommending Charles Pinckney Esqr to supply the Vacancy in the Council of South Carolina made by the Resignation of James Crockat Esqr having been prepared as ordered by Yesterdays Minutes, was agreed to transcribed and Signed.

24th June 1741

Read

Read a Letter to the Secretary of this Board from Mr Legge, Secretary to the Treasury, dated the 19th June 1701, desiring the Lords Commissioners for Trade and Plantations would take into consideration and Report their Opinion to the Lords of the Treasury, to whom and in what Proportions the money granted by Parliament to the late Sufferers at Carolina, may most reasonably be paid, & to whose hands the same may be with Safety issued, and what Rules or Regulations may be necessary for the Guidance of the Persons receiving the same in the just & due Distribution thereof.

And Mr Jury Agent for the said Province, being at the same time present, the Board desired him to attend again to Morrow Sennight, in order to have some discourse with him on the Subject of the said Letter.

2nd July 1701

Mr Jury Agent for South Carolina, attending on the Subject of Mr Legge's Letter (mentioned in the Minutes of the 26th of last Month) delivered in at the Board a Paper Entituled "Proposal to the Lords "of Trade for distributing to the Inhabitants of Charles "Town the £20,000 granted by Parliament" which Paper was read.

read, and after some discourse had with Mr Surge, Ordered that the Draught of a Letter to the Lords of the Treasury be prepared, in answer to the Reference from their Lordships, contained in the said Letter from Mr Legge.

Mr Glen Govr of South Carolina attending, prayd the Board that Richard Hill Esqr formerly recommended by him to be of the Council in South Carolina, might be recommended to the Lords Justices, to supply the vacancy in the said Council made by the Death of Alexander Skene Esqr. Ordered that the Draught of a Representation to yr Lords Justices be prepared pursuant to the Govrs desire.

* * * * * * *

3d July 1711

A Representation to their Excellencys the Lords Justices, recommending Richard Hill Esqr to be of the Council of South Carolina, in the room of Alexander Skene Esqr deceased, Ordered to be prepared by Yesterdays Minutes, was agreed to and Signd.

* * * * * * *

The Draught of a Letter to the Lords of the Treasury (mentioned in the Minutes of Yesterday) relating to the loss Sustained by the Inhabitants of South Carolina,

was

was laid before their Lordships, and order to be transcribed.

22nd July 1741

Read a Letter from Colo Bull, President of the Council & Commander in Chief of South Carolina, dated May 22d 1741 recommending to the Board Charles Pinckney Esq to Supply a Vacancy in the Council of that Province by Mr James Crockatts removal from thence & settling in London.

4th August 1741

Read a Letter from Mr McCulloh to the Secretary, dated June 6th 1741, at Charles Town in South Carolina, relating to the Execution of his Commission in that Province.

11th August 1741

Read an Order of the Lords of the Committee of Council, of the 7th Instant referring to this Board the Petition of William Livingston Esq & others for a Tract of 200,000 Acres of Land in order to settle thereon 1000 Protestants, and the Board after some discourse had with Mr Livingston who attended postponed the further Consideration of the same to another Opportunity

tunity.

. . . . . .

19th August 1741

The Draught of a Letter to Will.m Bull Esq.r President of South Carolina, in answer to such of his as have been received since the Boards last to him, was agreed to and Sign'd

. . . . . .

1st October 1741

Mr Glen Gov.r of South Carolina attending with Mr Livingston upon the Subject of the Petition of the said Livingston and others (referred to this Board by the Lords of the Committee of Council) for a Tract of Land in South Carolina, (mentioned in the Minutes of the 11th of Aug.st last) The Board after some discourse with them desired they would put in Writing in what part of that Province they proposed to have the said Grant and the Conditions on which they Engage to settle the same; which they promised to do.

. . . . . .

7th October 1741

Read a Letter from Mr Tucker Gov.r of the Bahama Islands to the Board dated at new Providence the 17th of July 1741, inclosing one from Col.o Bull, President of

of the Council and Commander in Chief of South Carolina, giving some Account of the Designs of the Spaniards against Providence — And Ordered that Copies of both the said Letters should be sent to the Duke of Newcastle; and directions were given for preparing the Draught of a Letter to his Grace, for inclosing the same.

' ' ' ' ' ' ' ' ' '

29th October 1701

Read a Letter to the Secretary of this Board from Mr Alexander Callender, praying him to move their Lordships to report in favour of the Petition of William Livingston Esqr and others (mentioned in the Minutes of the 4th of Augt last) — Ordered that Mr Callender be inform'd that the Board expect the Propesals of the Petitioners, as promised the 1st of this month.

' ' ' ' ' ' ' ' '

4th November 1701

Read an Act for regulating the Buildings hereafter to be Erected or Built in Charles Town & for preventing incroachments on the Streets, Lanes and Publick Alleys, within the said Town, as the said Streets Lanes & Publick Alleys stood on the 17th day of

of Novemr last Passed the 20th of Decr 1740

Order'd the said Act to be sent to Mr Lane for his Opinion thereon in point of Law.

' ' ' ' ' ' ' '

12th November 1741

The Secretary laid before the Board the following Copies of Orders in Council, transmitted from the Council Office the 15th of last Month and the Titles of the same were read, Viz.

' ' ' ' ' ' ' '

Order in Council, dated the 6th of December 1740, approving a Representation of this Board, proposing John Cleland Esq to supply a Vacancy in the Council of South Carolina by the Death of John Braithwaite Esq

Order in Council dated the 16th of July 1741 approving a Representation of this Board proposing Charles Pinckney Esq to supply a Vacancy in the Council of South Carolina, by the resignation of James Crockatt Esq

Order in Council dated the 4th of Augt 1741 approving a Representation of this Board proposing Richd Hill Esq to supply a Vacancy in the Council of South Carolina, by the Death of Alexander Skene Esq

' ' ' ' ' ' ' '

24th November 1741

The Secretary laid before the Board two and twenty Acts pass'd in South Carolina from the 25th of March 1738, to the 3d July 1741.

Order'd that the said Acts be sent to Mr Sane for his Opinion thereon in point of Law.

Order'd likewise that Mr Sane be desired to report upon the Act of the said Province which was sent him the 11th Inst. for regulating the Buildings &c as soon as conveniently may be, the Board designing to take the first Opportunity of laying it before His Majesty.

. . . . . .

Read a Letter from Mr Bull President of the Council and Commander in Chief of South Carolina dated at Charlestown October 12th 1741 informing the Board he had sent, in obedience to their Commands a compleat Collection of the Laws, giving likewise an Account of the Situation of their Affairs with regard to the Spaniards, & transmitting attested Copies of several Affidavits of English Prisoners lately Escaped from the Havannah, relating to the Number of Privateers fitted out from thence; and the said Affidavits were laid before the Board Viz.t

Attested

Attested Copies of the Affidavits of Peter Sagery. Thomas Earle & Thomas Lloyd, English Prisoners lately escaped from the Havannah, taken at South Carolina in August & September 1741

Authentick Copies of the Depositions of John Earle & Capt John Murray taken at South Carolina in Sept^r & October 1741

" " " " " " "

23^d December 1741

Mr Jones Report upon the Act of South Carolina pass'd in Decem^r 1740 (mentioned in the Minutes of the 4th & 24th of Novem^r last) for Regulating the Buildings hereafter to be Erected in Charles Town &c was read, and the Draught of a Representation to His Majesty for confirming the same was ordered to be prepared which was accordingly done agreed to and Sign'd

B.P.R.O. A. & N.I. Vol. 19 p. 117

Charles Town S. Carolina
20 February 1740/1

My Lord.

Yesterday one Captain Bulton arrived here from Gibraltar, who on ye 10th inst in his Passage fell in with 17 French men of War homeward bound – The Lieutenant Governor being not at present on the Spot here, I thought it my duty as one of His Majesty's Council to take the said Captains Deposition of the same in the most particular manner, not knowing but that it may be of some use for his Majestys Service. I beg leave therefore to enclose a copy of it to your Grace and am with the greatest respect

My Lord

Your Graces most obedient
and devoted Servant
Edmd Atkin

The Duke of Newcastle

Enclosure copied in Vol. 627

B.P.R.O. A & N.I. Vol. 623.

(21 Feb 1740)

Extract of a Letter from Captain Tanshaw Commander of His Majt ship Phoenix dated the 21st February 1740, in Cooper River, South Carolina.

On Thursday the 19th in the Evening, Arrived at this place the Richard and Alethea, Frances Bulston Master from Gibraltar, who brought the inclosed Account. I believing it to be of Consequence applied to the Government here to have the Examination upon Oath, of which the Inclosed is a Copy, that I received this morning, which this moment send aboard a ship ready to sail for England the first Opportunity of Wind.

(Enclosure)

311.

(Enclosure.)

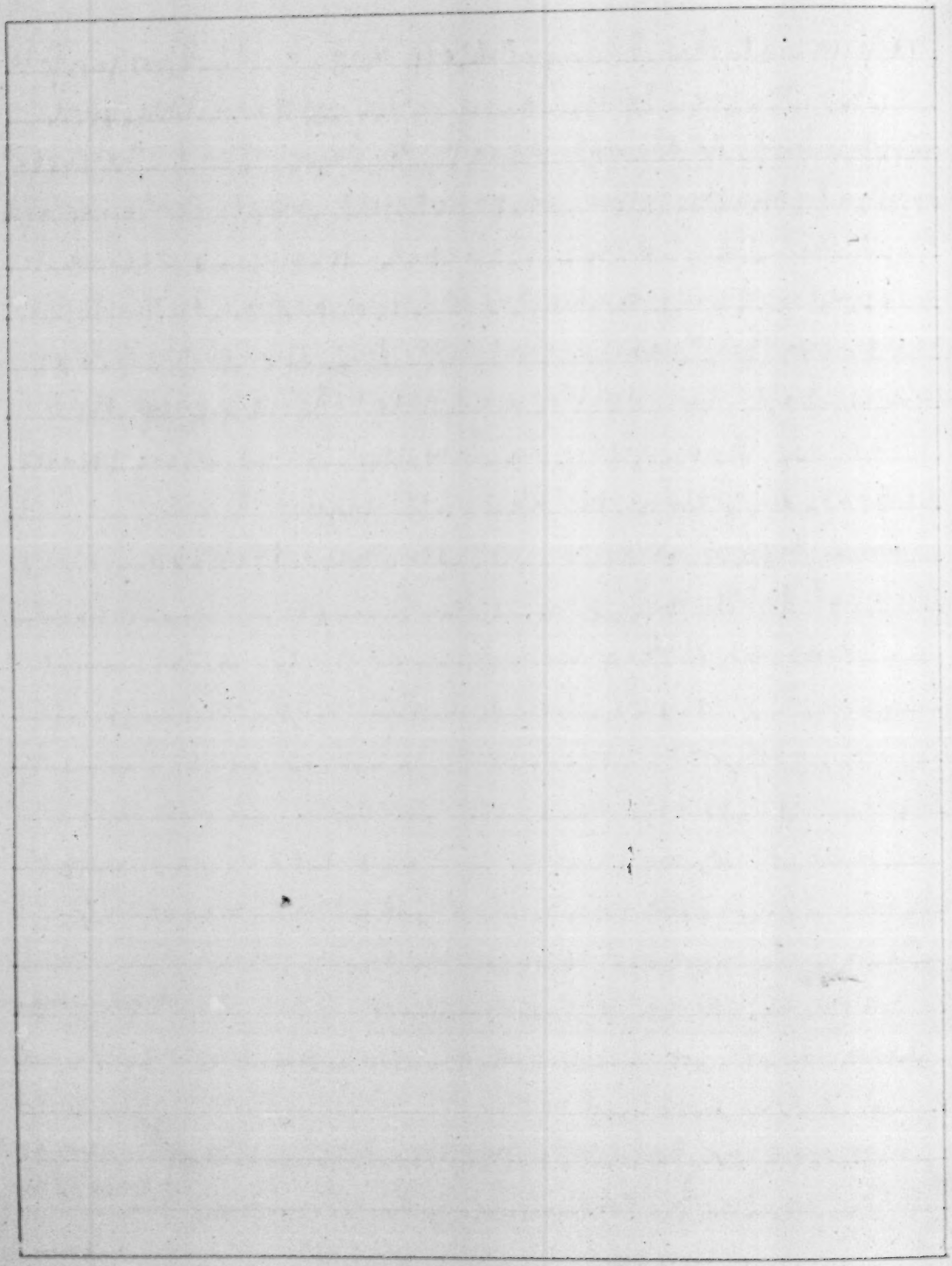
South Carolina.

Before the Honble Edmund Atkin Esqr one of his Majts Council, personally appeared Francis Bulcon Commander of the 'Richard' and Alethea arrived yesterday in the afternoon from Gibraltar, who being duly sworne on the Holy Evangelists of Almighty God deposeth and saith that in his Passage on the 10th inst. at two oclock in the afternoon being then in the Latitude of 31°. 44m North and 73°. 30' West Longitude from London he met with two large Men of War standing E.N.E. with a stout Wind at South upon which he immediately shew'd his English Colours, but they not shewing any Colours, he endeavoured to avoid them by haling up to Windward. Immediately after which he discovered fifteen sail more, some to Windward and some to Leeward, so that he could not avoid them. That he still wore his Colours, but that none shewed any in return, nor spoke to him, tho' he passed so near to two of them the he could have thrown a stone on board them; until he came by the last which hoisted an Admirals White Flag at the Mizen Top mast head, white

Colours

colours at his Ensign Staff and a St George's Jack at his Mizen Peek, being then within Musquet Shot, but did not speak to him. That thereupon several of the other ships shew'd white colours, and kept on the Course aforesaid for which reason he supposes them to be French ships. And this Depon-ent further saith that all but two of the above ships had two decks, and that he supposes them to carry from fifty to Seventy Guns being painted red and yellow & had all figure heads -

Sworn before me Francis. Bulson.
this 20th Febry 1740
Edmund Atkin



B.P.R.O. So Carolina B T Vol 11 P. 147. (23 Feby 1740/1.)

An account of the Quit. Rents with the Produce thereof arising from His Majestys Province of South Carolina in America, which have been payable to his Majesty since the passing of an Act made in the second Year of his Reign entituled An Act for establishing an Agreement with seven of the Lords Proprietors of Carolina for the Surrender of their Title and Interest in that Province together with the Application of such Produce viz.t

By several Rent rolls of Quit rents made out and signed by the Deputy Auditor General in South Carolina from the Entries of the Original Titles or Memorials thereof and transmitted hither to the Auditor of his Majesty's Plantations in America, containing the names of all the Grantees or Possessors of Land there, with the Quantity of Land held under what Title, where situated and what Quit rents are payable in respect thereof, viz.t

Old Grants under the Lords Proprietors	Proclam.n Money £ s d
No 1 A Rent roll without a Date annexing for Ann to	576 : 2 : 8½
2 A like Rent roll	368 : 11 : 7
Total yearly amount of Quit rents reserved on old Grants under the L.ds Proprietors in Proclamation Money	944 : 14 : 3½

New

3119

New Grants since the Surrender thereof to the Crown. vizt

		Sterling Money £. s. d.
No 3.	A Rent Roll dated the 25th March 1737 containing sev^{l} Grants of 880497 Acres to different Persons amounting at 3^{d} Sterling Quit rent for each 100 Acres to the yearly sum of -------	1320: 15: —
4.	Like Rent roll dated 25th July 1738 amounting to	224: 2: 10
5.	Like Rent roll dated 10th Aug 1740 amounting to	82: 14: 4½
	Total yearly amount of Quit rents reserved on new Grants since the surrender of the Crown, in Sterling money -------	1627: 12: 2½

N B. An additional Rent roll No 5 dated 26th June 1739 Quit rents at 3^{d} ₱ Acre 47: 14: 5¾ ₱ Annum

State of all the Accompts of the Receiver general of his Majestys Quit rents in South Carolina and his Deputies, exhibited from the Surrender of the said Province to the Crown on the 26th July 1729, unto the 25th day of March 1740. In which original Accompts the Amount of every Quit rent paid, and the Person paying the same is particularly distinguished. The said Accounts having been sworn to before the Governour or Commander in Chief there and being certified by the Deputy Auditor there to have been examined and compared with the original Rent rolls vizt

Money

	Proclam. Money £ s d
Money received by John Hammerton Esq. as Receiver general aforesaid from the 25th July 1729 to 25th March 1732.	389 : 5 : 1½
Deduct Lord Carterets Eighth part	48 : 13 : 1
Remains	340 : 12 : -

Disbursements	Proclam. Money £ s d	
Petty charges for Boat hire, Advertisements and Councell's fees	15 : 11 : -	
Inspector & Controller's Salary one year	100 : - : -	
Auditor Generals Salary one year	140 : - : -	
Do: Fee of 5 ℔ cent for his Duty there	17 : - : 7	
Receiver Generals Commission 10 ℔ Cent	34 : 1 : 2	
Do: Allowance for a Clerk one year	20 : - : -	
		362 : 12 : 9
Ballance due to the King		13 : 19 : 3

Proclam. Money

Like Account of money received from the 25th March 1732 to the 2nd August 1734	539 : 1 : 10½
Deduct Lord Carterets Eighth part	67 : 7 : 8½
Remains	471 : 14 : 1½

Disbursements	Proclam. Money	
Inspector & Controllers Salary one year	100 : - : -	
Auditor Generals Salary Two years	294 : - : -	
Do: Fee of 5 ℔ Cent for his Deputy there	22 : 13 : 8	
		Receiver

Virginia Money

Receiver General 10 ℘ Cent Commiss[n]	45: 7: 4	
		462: 1: —
Remains		9: 13: 1¾
Ballance of the preceeding Acct added		13: 19: 3.
Total Ballance due to the Crown		23: 12: 4¾
Like Account of money recd from the 2d August 1734 to the 25 day of March 1735		434: 5: 2¾
Deduct Lord Carterets Eighth part		54: 5: 7¾
Remains		379: 19: 7

Disbursements

Proclam[n] Money

	l.	s.	d.
Two years Salary to the Auditor General	294	—	—
Fee of 5 ℘ Cent to N[o] for his Deputy there	18	19	11
Receiver General 10 ℘ Cent Commission	37	19	10
N[o] Allowance for a Clerk one year	20	—	—
	370	19	9
Remains	8	19	10
Ballance of the preceeding Acct deducting 1¾ for small Errors in Calculations	23	12	3
Total Ballance due to the Crown	32	12	1
Like Account of Money received from the 25[th] day of March 1735 to 25[th] day of September 1735	664	12	9¾
Deduct Lord Carterets eighth Part	83	1	7
Remains	581	11	2¾

Disbursements

Disbursements	Proclam.n Money	Proclam.n Money
Inspector & Controller's Salary two Years	200 : — : —	
Half a Year's Salary to the Chief Justice	100 : — : —	
Auditors Fee of 5 ℔ Cent for his Deputy there	39 — 7 : —	
Receiver Gen.ls Commission 10 ℔ Cent	61 5 : —	
		390 : 15 : —
Remains		190 : 16 : 2½
Ballance of the preceding Account added		32 : 12 : 1
Total Ballance due to the Crown		223 : 8 : 3½
Like Accompt of money received from the 25th day of September 1735 to the 25th day of March 1736		520 : 1 : 2½
Deduct Lord Carteret's eighth Part		65 — : 13½
Remains		455 : 1 : ½

Disbursements		
Inspector's and Controllers Salary one year	100 : — : —	
Chief Justice's Salary half a year	100 : — : —	
Auditor Gen.ls Salary one year	118 : — : —	
Do. Fee of 5 ℔ Cent for his Deputy there	22 : 15 : —	
Receiver Gen.ls Commission 10 ℔ Cent	45 : 10 : 1	
Do. allowance for a Clerk one year	20 : — : —	
A Fee to Council	5 : — : —	
		441 : 5 : 1
Remains		13 : 15 : 11½
Ballance of the preceding Account added		233 : 8 : 3½
		Total

	Proc. Money
Total Ballance due to the Crown	237: 4: 3¼
Like Account of money recd from the 25th day of March 1736 to the 25th day of March 1737	940: 11: 6¼
Deduct Lord Carteret's eighth Part	117: 11: 5¼
Remains	823: -: 1

Disbursements	Proclam: Money £	s	d
Inspector and Controller's Salary one year	100:	-	-
Chief Justices Salary one year	200:	-	-
Auditor General's Salary one year	154:	-	-
Do Fee of 5 ℔ Cent for his Deputy there	41:	3:	-
Receiver Genl Commission 10 ℔ Cent	82:	6:	-
Do Allowance for a Clerk	20:	-:	-
			597: 9: -
Remains			225: 11: 1
Ballance of the preceeding Account added			237: 4: 3¼
			462: 15: 4¼
Deduct a Sum overcharged on last Account			8: 1: 2
Total Ballance due to the Crown			454: 14: 2¼
Like Account of James Gordon Deputy to John Hammerton Esqr Recr Genl for money received from 25th day of March 1737 to the 29th September 1737			1188: 7: 6¼
Deduct Lord Carteret's eighth Part			148: 10: 11½
Remains			1039: 16: 7

Disbursements

Disbursements	Proclam Money £ s d	
Inspector and Controller's Salary 6 months	50 : – : –	
Chief Justices Salary 6 months	100 : – : –	
Auditor Genl Salary 1 year	134 : – : –	
Do Fee of 5 p Cent for his Deputy there	51 : 19 : 10	
Receiver Genl Commission 10 p Cent	103 : 15 : 8	
Do Allowance for a Clerk six months	10 : – : –	
		469 : 15 : 6
Ballance due to the Crown		570 : 1 : 1

Memdum / The Deputy Auditor in his Remarks on the foot of this Account excepts against it because the Ballance due by John Hammerton Esqr on the foot of the preceding Acct being £ 454 14 2½ Proclam Money is not brought over in this.

	Proclam Money £ s d	
Like Account of money recd by James Gordon Deputy Receiver from the 29th September 1737 to 25th March 1738	179 5 ¾	
Deduct Lord Carterets eighth Part		22 : 8 : 11
Remains		156 : 16 : 11¼
Ballance due to the Crown on the preceding Acct		570 : 1 : 1
Total		726 : 18 : ¼

Disbursements	Proclam Money £ s d	
Inspector & Controller's Salary 6 months	50 : – : –	
Chief Justices Salary 6 months	100 : – : –	
		Receiver

	£	^	d	
Receiver Gen^ls Commission 10 ℔ Cent	15	13	8¼	
Do Allowance for a Clerk 6 months	10	–	–	
Auditors Fee of 5 ℔ Cent for his Deputy Here	7	16	10	
				183: 10: 6¼
Remains				543: 7: 6
A Fine to the King to be added				9: – : –
Ballance due to the Crown				552: 7: 6
Like Account of money received by James Gordon Deputy Receiver from the 25th of March 1738 to 25th Decr 1738.				902: 19: – ½
Deduct Lord Carterets eighth Part				112: 17: 4½
Remains				790: 1: 8

Disbursements	Proclam: Money £	^	
Chief Justices Salary 9 Months	150	–	–
Inspector & Controllers 9 months Salary	75	–	–
Attorney General Here on his Salary of 138 ℔ Ann.	150	–	–
Receiver Gen^ls Allowance for a Clerk 9 Months	15	–	–
D^o Fee of 10 ℔ Cent for receiving	79	–	2
Auditors Fee of 5 ℔ Cent for his Deputy	39	10	1
			508: 10: 3.
Ballance due to the Crown			281: 11: 5.

Mem^d — The Deputy Auditor in his Remarks on the Foot of this Account excepts against it, because the Ballance of £454: 14: 2½ due by Mr Hammerton, & the

Ballance

Ballance of the preceeding Account of £552:7:6 Proclam: Money, due by James Gordon are not brought over into this Account, and also excepts against the Allowance of the article of £39:10:1 for the Auditors Fee of 5 ℔ Cent, because the same was never paid.

Like Accounts from George Saxby Deputy receiver to John Hammerton from the 25th December 1738 to ye 29th September 1739 ---------- Procl: Money £ s d 1119:1:2

Reduct Lord Carterets eighth Part --- 111:7:7½

Remains 1241:13:6¼

Disbursements	Proclam: Money £ s d
Inspector and Controllers Salary one year	100:—:—
Chief Justice on 2/100 ℔ ann Salary	127:10:5
Attorney Genl on 1/28 ℔ ann Salary	128:—:—
Clerk of the Crown & Peace on 1/40 ℔ Ann Salary	40:—:—
Provost Marshal on 1/64 ℔ ann. Salary	64:—:—
Receiver Genls Commission 10 ℔ cent	134:3:4½
Auditor Gen one years Salary	160:—:—
& Fee of 5 ℔ Cent for his Deputy there including £39:10:1 unpaid on James Gordons Acct	102:—:3
	845:14:—½

Remains 395:19:5¾

Reduct for a sum overcharged in last acct 6:—:—

Ballance due to the Crown by George Saxby 389:19:5¾

Entered

	Proclam: Money £ s d
Like account of money recd by George Saxby from the 29th September 1739 to the 25th March 1740	165: 13: 10
Deduct Lord Carterets eighth Part ...	20: 14: 2¾
Remains	144: 19: 7¼
Ballance of the preceeding account	389: 19: 5¾
	534: 19: 1

Disbursements	Proclm: money £ s d
Chief Justices Salary part of ¾ qr: due 25th Dec 1739	75: — : —
Inspectors Controll: Salary 6 Months due 22d Dec 1739	50: — : —
Audr: Genls Salary 6 Mos: due 25th Jany 1738	80: — : —
Dr: Fee of 5 ℔ cent for his Deputy there ...	7: 4: 11¾
Attorney General on his Salary of £128 ℔ ann.	128: — : —
Clerk of the Crown & Peace on his Salary of £40 p ann.	40: — : —
Provost Marshal on his Salary of £64 p ann	64: — : —
For Fees to a Council &c	4: 10: —
Receiver Genls Commission 10 ℔ Cent	14: 9: 11½
	463: 4: 11¼
Ballance due to the Crown by Geo Saxby	71: 14: 1¾

The like Accompts of the Quit rents and produce thereof in No Carolina & of the Application of such Produce, can not now be delivered, because there have not been as yet any Rent rolls transmitted over to the Auditor of the Quit rents there; nor any Accounts of the Money received thereupon, notwithstanding frequent most pressing instances made

made for that purpose. This among other Accidents by Deaths is represented to have arisen from the proper Officers being utterly unable to ascertain the Quit rents by reason that the Inhabitants there set up several old illegal and uncertain Titles or Claims to Lands, without any observations of Quit-rents, or with a Reservation of a very small Quit-rent which could not be allowed by the Officers of the Crown; and the said Officers have further represented that the Inhabitants there insist upon paying their Quit-rents in Rice or Paper Bills, in such Manner and Places and at such Rates that, if complied with would take near three fourths of the Crown Revenue.

It appearing by the Accounts afore mentioned that the money rece'd for Quit Rents in So Carolina did not amount annually to above one third part of the Quit-Rents payable according to the Rent-rolls, & proper Representations of the several Difficulties attending the Receipt of the Quit-rents in No Carolina having been made to his Majesty, his Majesty was pleased to direct a Person to be sent over, with proper Powers and Instructions for removing all the Difficulties and uncertainties abovementioned, and for restoring quiet and good Order in the said Provinces. And thereupon a Commission was granted.

granted dated the 16th day of May 1739, unto Henry McCulloh Esqr appointing him his Majesty's Commissioner for surveying, inspecting and controlling the Revenues and Grants of Lands in North & South Carolina during His Majesty's Pleasure.

To the Rt Honble the Lords Commissrs of His Majesty's Treasury

May it please Your Lordships,

In pursuance of the Commands I received from your Lordships, I herewith lay before your Lordships an Account of the Quit-rents with the Produce thereof arising in His Majesty's Province of South Carolina in America, together with the Application of such Produce, since the purchase thereof by the Crown to the 25th day of March 1740, which Account is stated from the original Rent-rolls and Accounts in my Custody transmitted to me by my Deputy there, and sworn to before the Governour or Commander in Chief. And I have at the same time in a Memorandum on the foot of the said account represented the reasons why I am not at present enabled to lay before Your Lordships the like Account of the Quit-rents in North Carolina, of which Eleazar Allen Esqr one of His Majesty's Council there hath been appointed Receiver by Commission from His Majesty's Governour there

23d Feby 1740. All which is humbly submitted to Yr Lordships

Rec.d
Read } April 16th 1741.

H. Walpole.

B P R O. So Carolina B.T. Vol II 1749

South Carolina March the 30th 1740

My Lords,

I beg leave to acquaint your Lordships that Alexander Skene Esqr who was a member of his Majestys Council in this Province is lately dead, which occasions a Vacancy in Council, & presume to mention & recommend Benjamin Whitaker Esqr the present Chief Justice as a Gentleman of fortune well qualified to serve His Majesty as Counsellor in the room of Mr Skene

The Vacancy which happened in the Command of Johnsons Fort by the death of Captain James Sutherland I have filled up by appointing Mr John Penne father to Command that Garrison till His Majestys pleasure should be known in relation thereto.

Nothing has lately happend that may affect the safety of this Province but the apprehensions which the Cherokee Indians are under from the Information they have had of a design the French have of marching an Army against them this Summer which may prove fatal to this Province by Subduing those Indians or compelling them to forsake the British Interest & joyn the French against it, such a design if carried into Execution will I am afraid be too

formidable

formidable for those Indians to withstand or repel without the assistance of a greater number of British Forces than this Province at present is able to raise for that purpose which I thought it my duty to acquaint your Lordships with, in hopes that at a proper season your Lordships out of the great regard you have always shown for the safety of this Province would be pleased to lay the same before His Majesty & by that means obtain His Majesty's further Protection & assistance to enable this Government to support those Indians, whose chief dependance for assistance is from this Province

I am with the greatest respect
My Lords
Your Lordships
Most Obedient & most
humble Servant
Wm Bull

The Right Honble the
Lords of Trade

Recd May 23d
Read — 27th
1741

B.P.R.O. S. Carolina B.T. Vol 27. p 30

(16th April 1741.)

To His Grace the Duke of Newcastle

My Lord,

Having lately received a letter from Mr. Bull, President of the Council in South Carolina dated the 23rd of January last, concerning the Danger that Province is liable to, from the Row Gallies which the Spaniards have at St Augustine. We take leave to inclose to Your Grace, an Extract of the said Letter, that Your Grace may be pleased to receive His Majesty's Orders thereupon.

We are

My Lord

Your Grace's

most obedient and

most humble Servants

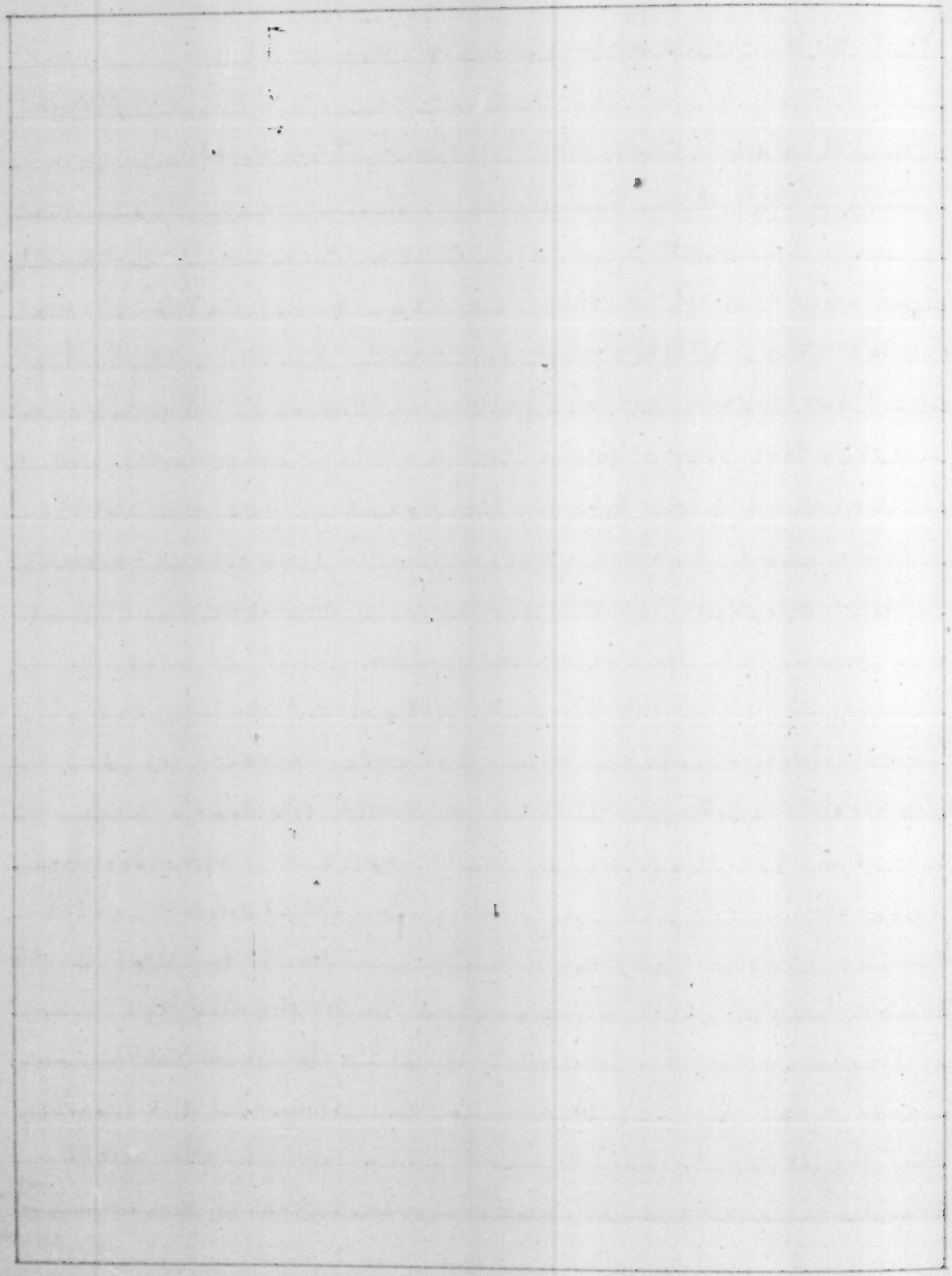
Monson.

M. Bladen

Edw Ashe

R. Plumer

Whitehall
April 16th 1741.



B.P.R.O. A & N I. bol 19 p. 120

Charles Town So Carolina

My Lord, 22d May 1741.

I beg leave to acquaint Your Grace that James Brokall Esqr who was a Member of His Majestys Council in this Province has acquainted me that as he has settled himself with his Family in London he has no thoughts of returning here again & therefore was desirous that another person should be appointed to fill up the Vacancy in Council occasioned by his absence, & as it is for the service of His Majesty & the Welfare of this Province, that the number of His Majesty's Council should be compleat, to prevent any Delays in the affairs of Government which have been too often retarded by the Death sickness & Absence of the Gentlemen appointed to serve his Majesty in that Station, I therefore presume upon this occasion to recommend Colonel Charles Pinckney as a Gentleman well qualified for that Honble Trust being well acquainted with the Constitution of England, & the Interest of this Province, The Vigour and Zeal he has shown for the service of His Majesty in the Assistance he has given me in the well regulating & disciplining the Militia of this Province will

will I hope recommend him to your Grace's favour
. I have the satisfaction to acquaint your Grace
that my endeavours in those Regulations have
succeeded beyond my Expectation. I am with the
greatest respect,

My Lord
your Grace's
most Obedient & most
humble Servant
Wm Bull.

His Grace the Duke of Newcastle

(a like letter was sent to the Lords of Trade)

B.P.R.O. S. Carolina B.T. Vol 27 p. 31

(28th May 1741.)

To His Grace the Duke of Newcastle

My Lord

Having lately received a letter from Mr Bull President of the Council & Commander in Chief of South Carolina, dated the 20th of March last giving an Account of the Apprehensions the Cherokee Indians are under from the Information they have received of a Design the French have of Marching an Army against them this Summer which may prove fatal to that Province We take leave to inclose an Extract of the said Letter to Your Grace

We are

My Lord

Your Grace's

most obedient and

most humble Servants

Monson

R. Plumer

M. Bladen

Tho. Pelham

Whitehall
May 28th 1741

B.P.R.O. So Carolina B 1 Vol 27 p 32

(5th June 1741)

To their Excellencies the Lords Justices.

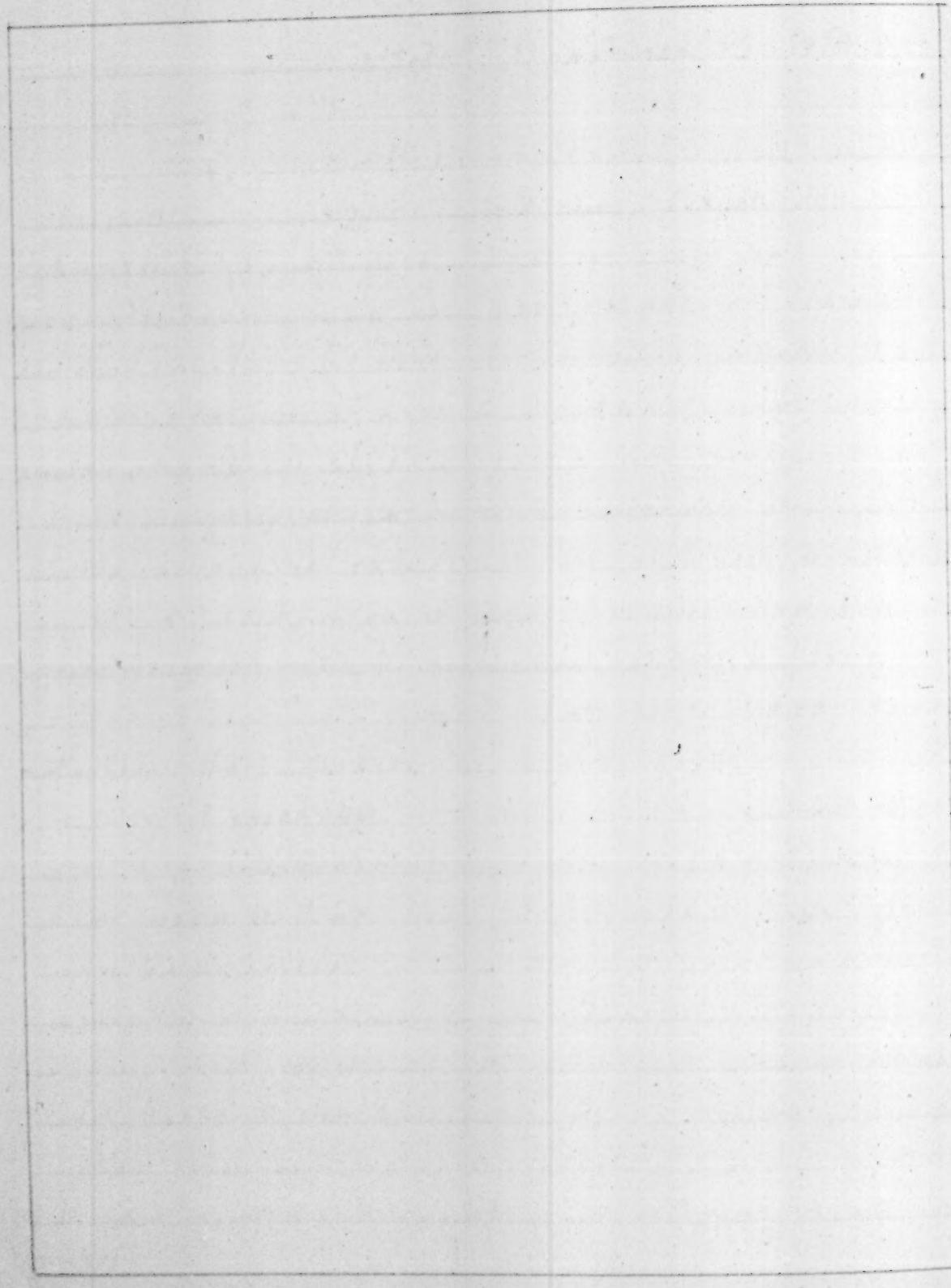
May it please your Excellencies.

James Brockatt Esqr One of His Majesty's Council in South Carolina being now in England and having informed Us, that his Affairs will not permit him to return to that Province; and Charles Pinckney Esqr being recommended to Us as a Person every way qualified to serve His Majesty in that Station, We humbly take leave to propose to Your Excellencies that he may be appointed of His Majesty's Council in South Carolina, in the room of the said James Brockatt Esqr

Which is most humbly submitted

Whitehall
June 5th 1741

Monson
B. Keene
R. Plumer
M. Bladen



B.P.R.O: So Carolina B T Vol 11 G 50.

(19th June 1741)

Sir,

The Parliament having Granted his Majesty in the last session the Sum of Twenty Thousand pounds for the Re-settling and Re-establishing the Unhappy sufferers of the Province of South Carolina in the late dreadful Fire at Charles Town, and Mr Peregrine Fury, agent to the said Province having applyed to My Lords of the Treasury, for the issueing the said Sum to such Person or Persons as should be thought proper in Order to be distributed in the most effectual manner to the purposes aforesaid their Lordships desire the Lords Commissioners for Trade and Plantations, will please to take this affair into Consideration, and give my Lords their Opinion, to whom and in what proportions the said Sum may most reasonably be paid, and to whose hands the same may be with safety, issued; and what Rules or Regulations may be necessary to be given to the persons receiving the same for their guidance and Conduct in the just and due Distribution thereof. I am to desire therefore you will take the first opportunity of laying this affair before their

Lordships

Lordships for their Consideration accordingly

I am
Sir
your most humble
Servant
H. Legge.

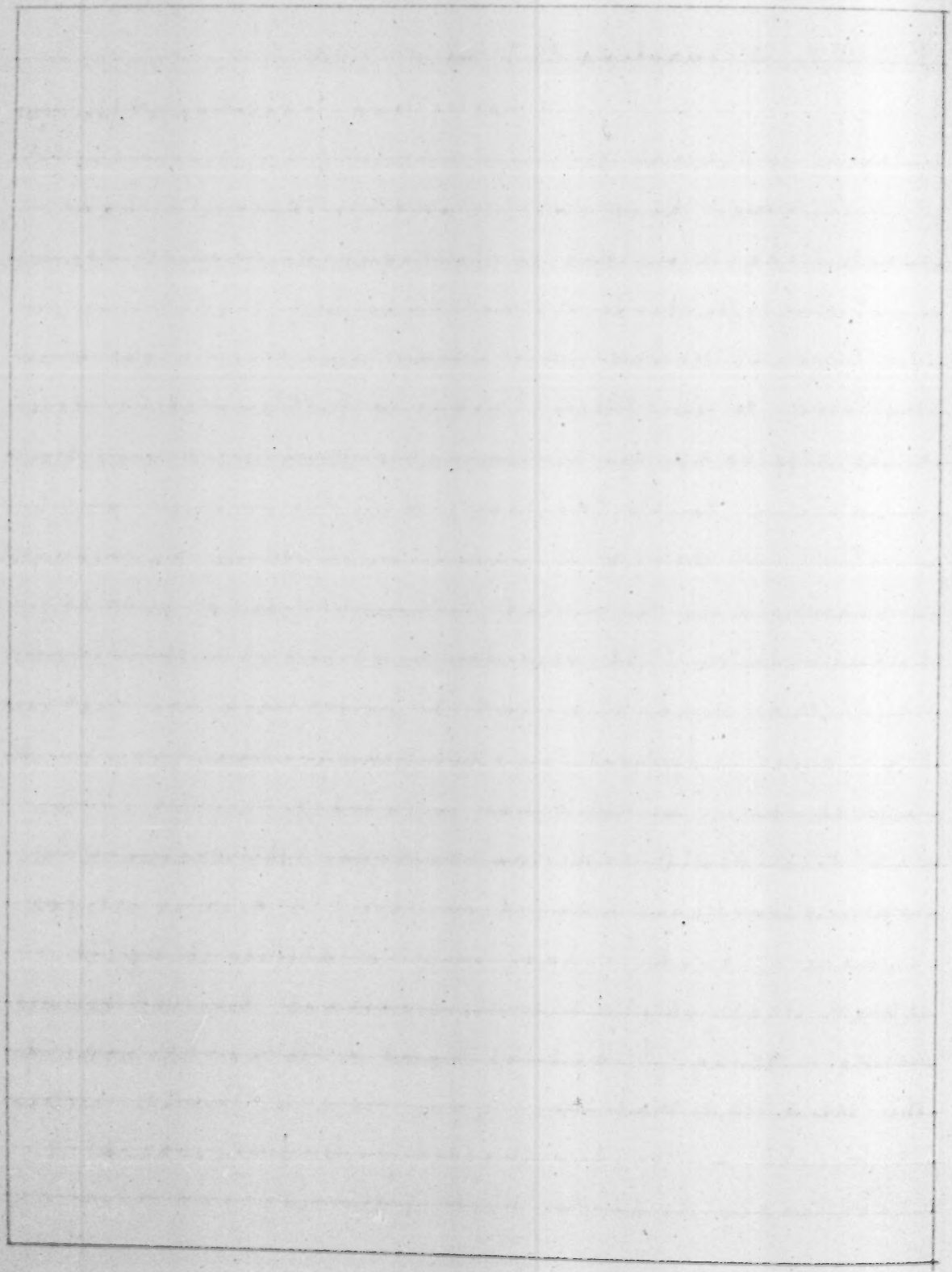
Treasury Chambrs
19th June 1741.

Recd
Read } 24th June 1741

B.P.R.O. So Carolina B.T. Vol 11 f. 51

(2 July 1741 ?)

In order to the distributing in the most effectual manner the sum of Twenty thousand Pounds, granted last session of Parliament for Reselling and Re establishing the Unhappy Sufferers in the late dreadfull Fire at Charles Town, It is humbly proposed to the Right Honourable the Lords Commissioners of Trade and Plantations, by the Agent to the Province of South Carolina; that the Council and Assembly of the said Province be forthwith instructed to examine into the particular Losses of such of the Inhabitants of Charles Town, as have suffered by the said Fire, and thereupon to ascertain the Proportions that every sufferer is entituled to. That they shall then certify to the Lords Commissioners of Trade and Plantations the Names of the sufferers, and the particular sums allotted to them. And that in pursuance of such Certificates Debentures may be granted payable out of the Exchequer to such persons or their Assigns for such Sums as are contain'd in the said Certificates.



B.P.R.O. St Carolina B.T. Vol. 11. G 53.

Charles Town St Carolina 4th June 1741.

Sir,

I would have done myself the Honour to have wrote long before this to the Right Honble the Lords Commissioners for Trade & Plantations but that I was unwilling to Trouble their Lordps untill it might be in my Power to give their Lordps a full and clear state of the affairs of this Province. The distressed condition in which I found the people of this Town gave me the greatest concern and added much to my caution in not doing any act that I thought could possibly disturb them. Yet however cautious I might be, there was Letters of such a Nature wrote from hom that gave His Majesty's Subjects in this Province very Disagreeable impressions of me, this was intended to my prejudice and to Disable me from carrying the design of my Commission into Execution. But I hope in its consequences it will have quite a different Effect.
About three weeks after my arrival here the Assembly being sitting I had intimated to me by some of the Members that if I gave them a Private meeting it might be for His Majesty's Service, which I accordingly did the Week following and drew up

the

the Heads of such a Bill as they & I apprehended might be agreed to by the Assembly. The said Proposals are in substance agreed to and I hope will be soon passed into a Law with a suspending Clause till His Majesty's Pleasure is known thereupon; there are some exceptions may be taken to the Law I shall very fully point out, But this far I will answer that if the Law is passed agreeable to the Proposals, that it will answer three great ends, namely - the Settlement of the Province, the forming of a proper Rent Roll and the improvement of the Quit rents to more than a four times as much as have been hitherto collected. I pray that you will do me the Honour to recommend me to their Lordships

I am with great respect
Sir
Your most Obedient
& most humble Servant
Henry McCulloh.

To Thomas Hill Esqr

Rect augt 3 } 1741
Read - 4 }

P.S. At my first coming here I met with great opposition from the Council But the Gentn of the Assembly entertained me with great politeness. My not being of the Council lays me under many difficultys in the forming a true State of the Affairs of this Province.

B. P. R. O. So Carolina B. T. Vol 27. p. 33

(3rd July 1741)

To their Excellencies the Lords Justices

May it please your Excellencies

Alexander Skene Esqr One of His Majestys Council in South Carolina being deceased, and Richard Hill Esqr being recomended to Us as a Person every way Qualifyed to serve his Majesty in that Station, We humbly take leave to propose to Your Excellencies, that he may be appointed of His Majestys Council in South Carolina in the room of the said Alexander Skene Esqr

Which is most humbly submitted

Whitehall
July 3d 1741

Monson
R Plumer
B Keene
Ja Brudenell

B.P.R.O. South Carolina B.T. Vol 27 p. 34

(8th July 1741)

To The Right Honble the Lords Commissioners of
His Majesty's Treasury.

My Lords,

Pursuant to a Letter from Your Lordships Secretary Mr Legge, dated the 19th of June last, to Our Secretary, acquainting Us with Your Lordships Desire that We would take into Our Consideration and give your Lordships our Opinion "To whom & in what Proportion the sum of Twenty thousand pounds granted to His Majesty in the last Session of Parliament for the re settling and re establishing the unhappy sufferers of the Province of South Carolina in the late dreadful Fire at Charles Town may most reasonably be paid; And to whose hands the same may be, with safety issued, and what rules or regulations may be necessary to be given to the Persons receiving the same, for their Guidance & conduct in the just and due Distribution thereof."

We take leave to acquaint Your Lordships, that we have on this Occasion been attended by Mr Furye, Agent for the Province of South Carolina, and have had some Discourse with him upon this

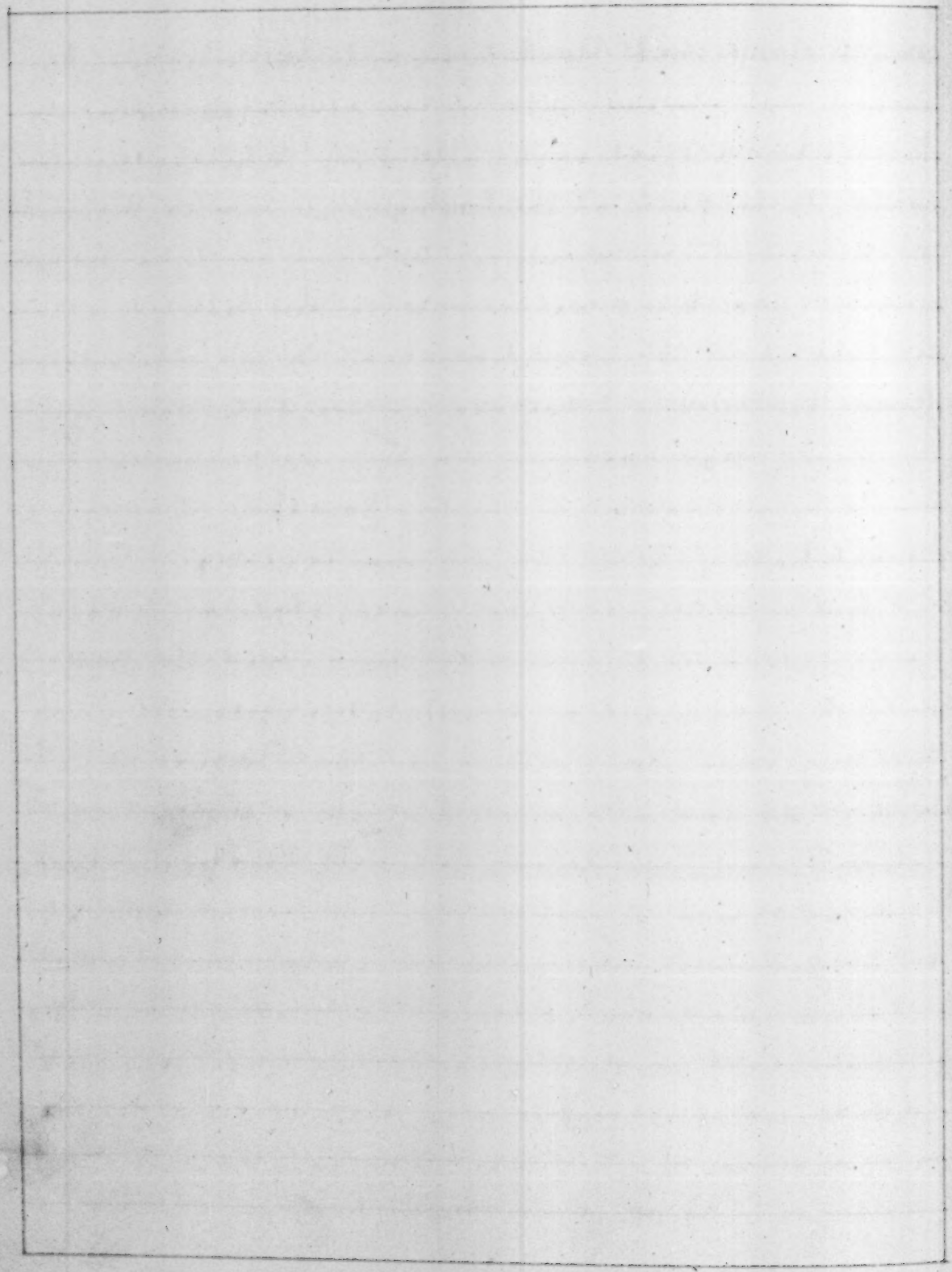
this Subject, and are of Opinion, That the most reasonable and effectual Method to be pursued in this case would be That His Majestys Governor should be instructed to recommend to the Council and Assembly of that Province, to appoint a Committee of Members of both Houses, to enquire into the Losses sustained by the Inhabitants of that Province; That each Sufferer deliver upon Oath to the said Committee a Schedule, containing an Estimate of his or her particular Loss, That the said Committee do also apportion to each sufferer, the respective sum to be received by him or her in order to their re-settling in the said Province according to the Proportion the Money granted by Parliament bears to the whole Loss; That when ye Committee shall have gone thro' this Enquiry and certified in the manner abovementioned, Each person's particular Loss, and Proportion to be received by him, or her, They do lay the same before His Majesty's Governor, with their Report thereupon: That the Governor may transmit the said Report of the Committee, together with the Schedules thereunto annexed under the Seal of the Province to the Lord High Treasurer or to the Lords Commissioners of the Treasury for the time being, and to the Commissioners

-ers for Trade and Plantations; and that Debentures be issued out, to each particular person, according to his, or her proportion as settled by the Committee afore-said, to be paid at the Exchequer to Him or Her, or to their Lawfull Attorneys, or Assigns, in like Manner as was practiced in the case of the Inhabitants in the Island of St Christopers and Nevis, who suffered from the French Invasion in the late War

We are

My Lords
Your Lordships
most obedient and
most humble Servts
Monson
M Bladen
R Plumer
B Keene

Whitehall
July 8th 1741



B.P.R.O. So Carolina B.T. vol 11. G. 54.

(16th July 1741.)

At the Council Chamber Whitehall
the 16th July 1741
Present.
Their Excellencys the Lord Justices
in Council

Upon reading this day at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs Dated the 10th of this Instant July in the Words following Virt.

Your Excellencys having been pleased by your Order in Council of the 18th of last Month to refer unto this Committee a Representation from the Lords Commissioners for Trade and Plantations, setting forth that James Brockatt Esqr one of his majestys Council in South Carolina, being now in England hath informed the said Lords Commissioners that his Affairs will not permit him to return to that Province, and that Charles Pinckney Esqr hath been recommended to them, as a Person every way qualified to serve His Majesty in that station, they therefore propose the he may be appointed of His Majestys said Council in South Carolina in the

room

room of the said James brockatt. – The Lords of the committee this day took the said Representation into their consideration And do thereupon agree to Report, that they have no Objection to your Excellency's appointing the said Charles Pinckney to be of His Majestys said Council in the Province of South Carolina in the room of the said James brockatt.

Their Excellencys the Lords Justices this day took the said Report into consideration, and were pleased, with the advice of His Majesty's Privy Council, to approve thereof and to order as it is hereby ordered, that the said Charles Pinckney be constituted and appointed a Member of His Majestys said Council in South Carolina in the room of the said James brockatt; and John Conrand and Andrew Stone Esqrs Secretrys to the Lords Justices are to prepare the usual Warrant for their Excellency's Signature

A true Copy
Ja. Vernon.

Recd Octo 15th
Read Nov. 12th } 1741

B.P.R.O. So Carolina B.T. Vol. 11. f. 58.

(4th Aug. 1741.)

At the Council Chamber Whitehall
the 4th day of August 1741.

Present

Their Excellencys the Lords Justices
in Council

Upon reading at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs dated the 31st of last Month in the words following - Viz.t

"Your Excellencys having been pleased, by Your "Order in Council of the 16 of this Instant, to refer "unto this Committee a Representation from the Lords "Commissioners for Trade and Plantations, setting forth "That there is a vacancy in His Majestys Council of "South Carolina occasioned by the death of Alexander "Skene Esqr. and that Richard Hill Esqr. having been "recommended as a Person every way Qualified to serve "His Majesty in that Station, they therefore propose that "he may be appointed to supply the said Vacancy - "The Lords of the Committee this day took the said "Representation into their Consideration, and do there- "upon agree to Report, that they have no Objection to

"Your

"your Excellencys appointing the said Richard Hill "to be of His Majestys said Council in the Province of "South Carolina in the room of the said Alexander "Skene deceased." —

Their Excellencys the Lords Justices this day took the said Report into their consideration, and were pleased with the advice of His Majesty's Privy Council to approve thereof and to order as it is hereby Ordered, that the said Richard Hill Esqr be constituted and appointed a Member of His Majesty's said Council in the Province of South Carolina in the room of the said Alexander Skene deceased. And John Conraud and Andrew Stone Esqrs Secretarys to the Lords Justices are to prepare the usual Warrant for their Excellencys signature. —

a true copy
Ja. Vernon.

Read Oct. 15th
Read Nov. 12th } 1741.

B.P.R.O. So Carolina B.T. Vol II. G. 62.

(26 Dec. 1741.)

To the Right Honble The Lords Commissioners
For Trade and Plantations.

My Lords

In obedience to your Lordships Commands signified to me by Mr Hill I have considered the following Act passed in South Carolina in 1740 Entituled

An Act for regulating the Buildings hereafter to be erected or built in Charles Town and for preventing incroachments on the Streets Lanes and Publick Alleys within the said Town, as the said Streets Lanes and Publicke Alleys stood on the 17th day of November last And as the Regulations in this Act seem intended for the safety Beauty and Conveniency of this Town, I have no objection to the Confirmation of it

I am
My Lords
your Lordships most
Obedient Servant
Fran: Fane

21st Dec. 1741

Recd 21st Dec.
Read 23d. } 1741

B P R. O. S. Carolina B T. Vol. II. f. 63.

(4 date)

To the Right Honble the Lords Commissioners for Trade and Plantations.

The Petition of William Livingston Esqr and his Associates

Sheweth

That the Petitioner and his Associates are willing to Undertake the settlement proposed in South Carolina in an uncultivated part of the Country upon the Savannah River.

That they be allowed 500,000 Acres to be surveyed in four different Tracts or Parcells of 50,000 Acres each.

That these four Parcells be laid out as contiguous as may but none to be at a greater distance from some one or other of them than ten miles.

That they may be granted in such proportions as Mr Livingston shall require but none to be less than twelve thousand Acres.

That all the grants be made by the Gov immediately upon the return of the Surveys to him and that they bear equal date with each other.

That the commencement of the Quit Rent be computed

computed from the expiration of ten years from the date of the said Grants.

That in case any mines shall be found in the Land petitioned for one fifth part of all Gold & Silver Ore and one tenth part of the Ore of all other Mines & Mineralls be reserved to his Majesty.

That having proved to Your Lordships satisfaction that several Gentlemen of fortune are concerned in this undertaking who will neither spare Trouble and expence to render this an effectual settlement Your Lordships it's hoped will be pleased to report accordingly

Ja: Home.
Agent for the Petitioners

The Petitioners are likewise desirous that the whole Lands should be taken up and surveyed and the Grants made by the Govr with Eighteen Months of His Majesties Order in Council otherwise the said order or Warrant to the Governor to Grant these Lands to be void and of no effect whatsoever

Ja: Home.
agent for the Petrs

Recd Sept. 10d
Read Jan. 15d } 1741

B.P.R.O. So Carolina B.T. Vol II f. 54

(7 Aug 1741.)

At the Council Chamber Whitehall
the 7th day of August 1741
By the Right Honourable the Lords of the
Committee of Council for Plantation affairs

Their Excellencys the Lords Justices having been pleased by their Order in Council of the 4th of this Instant to referr unto this Committee the humble Petition of William Livingston Esqr on behalf of himself and several others his Associates, praying that their Excellencys will be pleased to Grant to him and the said Associates Two hundred thousand acres of Land in the Province of South Carolina free from Quit Rents for the first Ten years, and proposing to Settle thereon within that term One Thousand Protestants The Lords of the Committee this day toote the said Petition into their consideration and are hereby pleased to referr the same (a copy whereof is hereunto annexed) to the Lords Commissrs for Trade and Plantations to consider thereof, and Report their Opinion thereupon to this Committee

W. Sharpe

Recd 8th
Read 11th } Aug. 1741.

(Enclosure)

(Enclosure.)

To their Excellencys the Lords Justices in Council
The humble Petition of William Livingston
Esqr on behalf of himself and several others
his Associates.

Sheweth,

That there are great Tracts of uncultivated Lands in His Majesty's Province of South Carolina, the Property of no particular Person.

That if these Lands were well settled with Inhabitants cleared of the Woods and properly improved the Province would be thereby greatly Strengthened and Enriched, His Majestys Quit Rents encreased, and the Trade and Navigation of this Kingdom advanced, since Rice the present Staple Commodity of that Country, Pitch, Tar and Turpentine Hemp and other Naval Stores, and in time even Silk and Wine might be expected from thence, none of which interfere with the Trade of the Mother Country, but will be exchanged for the Manufactures of Great Britain.

That your Petitioner and some other Gentlemen of Character and Fortune his Associates are willing to cultivate a Tract or Tracts of Land in the said Province containing in the whole Two hundred Thousand Acres,

and

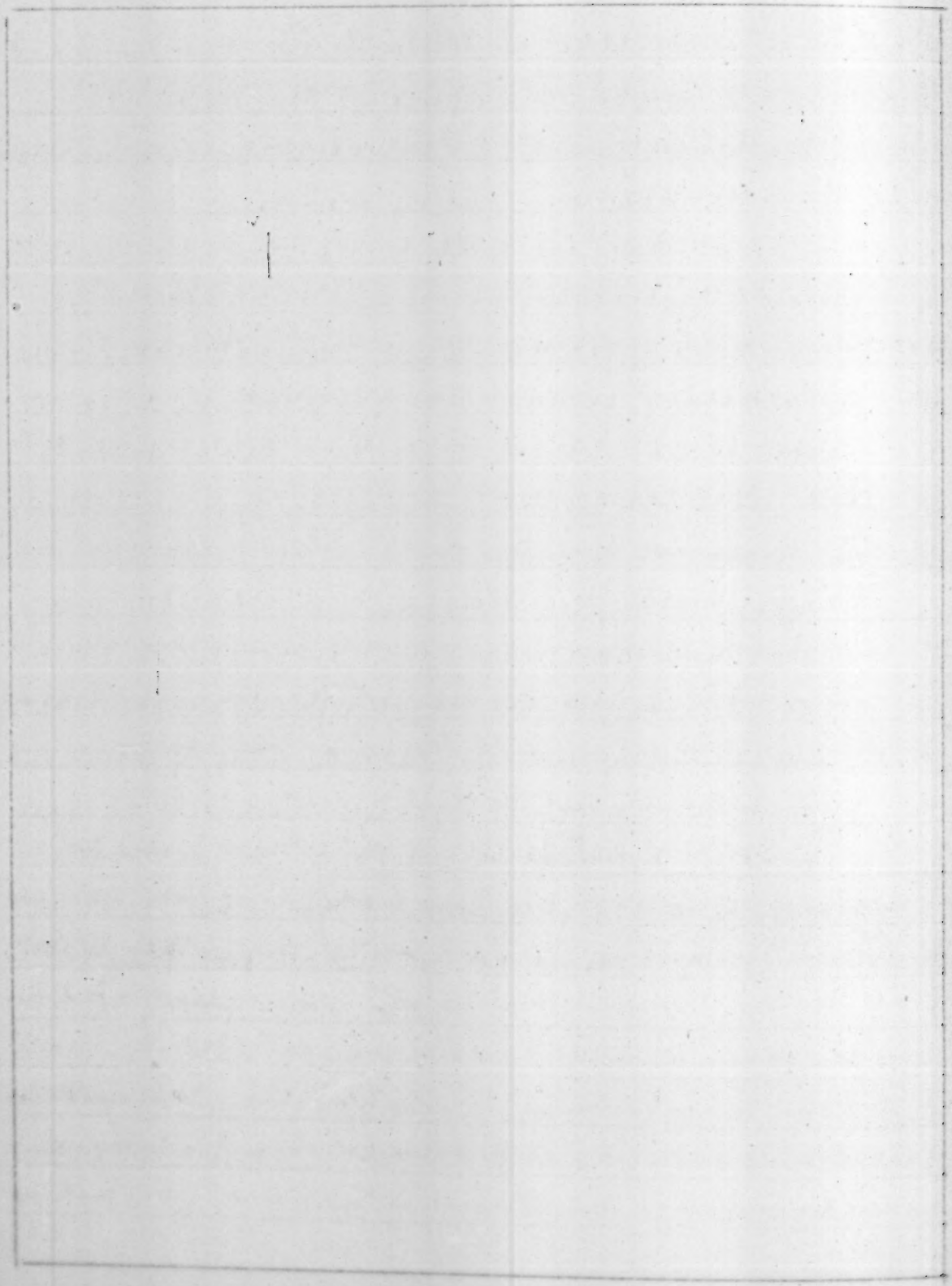
and will undertake to Settle thereon One Thousand Protestants within the space of ten years.

But in time of War Undertakings of this Nature may be attended with many unforseen Accidents and a great Expence will be unavoidable especially as oppressed Protestants are chiefly intended to be settled and as great Numbers of Servants and Slaves will be necessary in such an Undertaking. Your Petitioner humbly hopes that these Lands may be granted with the usual exemption from Quit Rents for Ten Years.

Your Petitioner therefore most humbly prays that Your Excellencys will be pleased to Direct the Surveyor of His Majestys Lands in South Carolina to lay out the said Number of Acres and that a grant of the said Lands may pass under the Seal of the said Province upon paying the usual fees for the same

And yor Petr shall ever Pray &c

Wm Livingston



B.P.R.O. So Carolina B.T. Vol 34 p 34.

(19th Augt 1741)

To William Bull Esqr

Sir.

Since our Letter to you of the 12th of September 1739. We have received yours of the 25th June 5th of October & 30th of November 1739. the 1st February 1739/40 the 3rd of June & 28th of July 1740. the 23rd of January and 20th March 1740/1 and one of may 22d 1741 together with the Papers mentioned therein.

We thank you for the Accounts you sent us in that of the 25th June 1739. of the several Duties arising from the different Branches of the Trade of the Province, and We desire you will continue to transmit to Us quarterly Accounts thereof as the Governor is directed to do by his Instructions

As to your Letters of the 5th Octr and 30th of November 1739, of the 3rd of June and 28th of July 1740 and of the 23rd January 1740/1 as far as they relate to the state of the Province, the Dangers you apprehended from the Spaniards, and the Designs you conceived the French to entertain of building Forts among the Indian Nations in order to overawe and debauch them from their Dependance upon the British Government, We lost no

time

time in transmitting to His Grace the Duke of New-castle Extracts of them in order to be laid before His Majesty and to receive His Pleasure thereon, And we hope by this time you have received the necessary directions and Supplies.

We desire you will as often as a convenient Opportunity offers, give us an Account of your situation with respect to the Spaniards, and to the Proceedings of the French in their Settlements especially in what regards the new Fort you inform Us, they had built near the Chickesaw Indians in your Letter of the 20th November 1739.

We hope you will use your best Endeavours effectually to prevent the French from building any Forts or making any new Settlements amongst the Cherikees, & upon all Occasions assert his Majtys undoubted Right to his Dominions in Carolina.

We should be glad to be informed what the French have to offer in justification of them-selves for putting an English Trader to Death, which affair you take Notice of in your Letter of the 3d June 1740, not doubting but you have made such Representations as you judged proper to the Governor of Moville upon the Occasion.

We

We have in pursuance of your Request recommended Mr. Blake, Mr. Cleland and Mr. Pinckney to His Majesty as Persons proper to supply the three Vacancies in the Council of South Carolina, and as His Majesty has approved of them, We suppose before this you will have received the Royal Mandamus for their Admission.

We have only further to acquaint you that we desire that once in Six Months you would send Us over a List of such of the Members of the Council in your Government as are either Dead or Absent, and that with regard to the last, you specify from whom and for how long a time they have their Licence, and that you take care to make an annual Return to the General Queries formerly sent, that We may be apprized from time to time of any alterations that may happen in the Circumstances of your Government. So we bid you heartily farewell and are

Your very loving Friends
and humble Servants
M. Bladen. R. Plumer
B. Keene Ja. Brudenell

Whitehall
August 19th 1741.



B.P.R.O. So Carolina B.T. Vol II G 65

Kennaird 21st August 1741

Sr Sir

When you was here you talkt in so positive a stile and was so certain of obtaining the Land that your letter gives us some uneasiness. But if wee should be dissapointed perhaps wee may employ our selves as usefully for Our familys an other way Wee assure you that one of our views was to oblige you as wee imagin'd your people would be pleased to see Improvements made in their Country by Gentlemen of some substance who perhaps might not have thought of that part of the World but for you. It is equall in whose name it is whether in Captain Livingstons or any other, we heartily wish success to itt And make no doubt of its turning to the advantage of all concerned If it should not we shall att least have shewn Our regard to you being

Sr Sir

your most humble Servts

Wm Bruce.

Geo: Menzies.

Read 1741

Read Febry 26th 1741/2

Lieth your

391

Linlithgow 24th August 1741.

These are to certify that this missive Letter directed to James Glenn Esqr Governor of South Carolina is subscribed by David Bruce of Kinnard and George Menzies of Grahams-Mure Esqrs Gentn of severall hundred pounds sterling per annum each in Land rent And it is sealed with the Towns Seal and signed by the Clerk By Order of the Magistrates

Michael Bell Clk.

(Seal)

B.P.R.O. a.a. W.I. Vol 19 p 121

(24th September 1741)

Sir,

I take the Liberty to trouble you with this as I think it very material that my Lord Duke be Acquainted with it. That is. By three men, two Masters of Vessells and one of Our Pilots taken off the Barr about six months since and carried into the Havannah where they were confined for some time in a Dungeon then afterwards ordered to tend upon the sicke in the Hospital, by which found Way to Escape, two of them aver they saw Landed out of a French Brigantine a hundred Barrells Beef from the Isle of Man Marke which he well knows having been often there & taken in his vessel for store the same Barrels which are of a different make to other Countrys, and was acquainted that they the Spaniards were supplied with that provision in great quantetys they have good Beef on Cuba but it wont Salt nor keep on any account

The men also relate that they have Eleven men of Warr in that Harbour, four of 80 Guns and seven of 60 Guns and that they were not half manned that there was then and had been a Raging sicke

-ness

ness amongst all their ships, and that they have there only 2000 Foot & 400 Horse call'd the King's Soldiers which have not received any pay for four years, & many of 'em declared that they would join the English if they could and that it was reported that Admiral Vernon was at St Jago the other side of the Island. the men left the Havanah Fort the 5th Instant, in an open Boat.

The Governor not being in Town, nor will not this fortnight I take this opertunity to write by a Vessell this day going for Bristoll. the Boat also took up at sea seven Spaniards and Eight French men five daies since out of a small vessell which they were obliged to quit by her being so leakey amongst wch is a Priest or Officer belonging to the Havanah.

The men also acquainted me that there were five Privatiers fitted out to Cruise on these Northern Coasts, three went out four daies before they escaped and two more were getting ready. that they daily saw 'em and one of there men was obliged to work upon the largest of the Privateers which mounted 16 six pounders and as many Swivel Guns, 120 men. another a Snow had 12 six pounders

&

& 20 Swivells, & 80 men three Sloops Six Carriage Guns & 16 Swivells & 60 men each, so that we are here in a bad condition in respect to our Trade. five vessells have been Taken going out from hence two dais or thereabouts after they sailed two of which were laden with Rice for London, and three have been taken on these Coasts from England, tho the Kingships have taken two Privateer Sloops and chased several who had the heels of 'em. But the Phenix Capt Tanshaw is quite laid up having receid great damage by the bad wheather a fortnight since in her Bruise, & Capt Towshead in the Tarter is going home very soon so that the Enemy may come into the Harbour & cut our ships away, when the Governr comes to Town & in Council I presume his Grace will have a more full account

I am
Sir
your Most obedient &
Humble Servant
J. Hammerton

Charles Town
24 Septembr 1741.

John Conard Esqr

B.P.R.O. A+W.I. Vol 19 p 122

Charles Town South Carolina

My Lord, Octobr 14th 1741

I beg leave to acquaint your Grace with the Situation of our Affairs with regard to the Spaniards + the Interruption they give to the Trade of this Province; more especially at this time when His Majestys Ship Phoenix is unfit for service for want of such a repair as will take up a considerable time to compleat, + as His Majesty's ship Tartar under the Command of the Honourable Captain George Townshend is ordered home. By this means our Coast is left unguarded at the Season of the year when we expect the greatest number of shipping which supply our Province with European Goods + carry off Our Produce. I further presume to lay before your Grace several affidavits of some English prisoners lately escaped from the Havana + others, by which it will appear more particularly to your Grace what number of Privateers is fitted out from thence, besides the annoyance we have + may expect to receive from St Augustine while it remains in the hands of the Spaniards. These Privateers will doubtless frequent those Parts most where they have

have met with most success & least Interruption. Encouraged by their success they have lately so much frequented our coast that Captn Townshend in his Majesty's ship Tartar chased no less than three different Privateers in his last cruize; the first of which being a small Privateer from Augustine took one of our boasting Boats in sight of the Tartar and when chased avoided being taken by her, by running into shoal water, the last Captain Townshead took and brought into Charles town Harbour with sixty five men. And a Sloop loaden with Wine was retaken by Captain Fanshaw in his Majesty's ship Phoenix last Spring.

I beg leave to acquaint your Grace that out of the warlike Stores with which General Oglethorpe was assisted by this Province in the Expedition against St Augustine, six eighteen pound Cannon besides a great number of cohorn Shells were either expended in the Seige or retained in Georgia, which makes it necessary for me to intreat your Grace's favour & Assistance in obtaining from His Majesty a Supply of such Stores & also for four or six such peices of Brass cannon as are made use of by the Spaniards in their Row Gallies which carry a near

nine pound shot which may be of great service to this Province if the War is continued, & this Government should be obliged such Gallies to protect the Inland Passages, (through which the greatest part of our Produce is brought down to Market,) from the Dangers & attempts which the Spaniards may make in such Boats to supply themselves with, and carry off the produce of our Province, as well as to ravage and plunder the Plantations that lie near the Sea coast, which attempt His Majestys Ships on this Station cannot prevent by reason of great draught of Water.

We have had no disturbance from the Indians Frequent Treaties & Presents, & Agents now & then being sent up amongst them we prevented their joyning with the Spaniards. But our greatest Dangers from that quarter would arise in a War with France, The French in those parts having great Numbers of Indians in their Interest, besides the Interest & Influence they have among the Greek Indians by means of the Fort which they have at the Albamas

I am with the greatest Respect

To His Grace the Duke of Newcastle my Lord
One of His Majtys Principal Secretarys &c your Grace's

most

most obedient
& most humble Servant
Wm Bull.

(Enclosure.) to above letter

Thomas Lloyd late Mate of the Ship Crawford & Robert Ford Master bound from London to South Carolina on Oath declareth that on the 24th of May last past in the Latitude of 32.51 pr Observation on the Coast of So Carolina in about fifteen fathom Water the said ship being becalmed was attacked and taken by a Spanish Sloop of St Augustine with about six Carriage Twelve Swivell Guns and Seventy men The said sloop had taken two days before a Snow outward Bound from Charles Town One Gould Master as the said Gould informed us the Spanish Commander put on board our ship Thirteen of his People and took out Captain Ford three Passengers and Two Sailors. Two days afterwards he took a Sloop Laden with Madera Wine and bound to Charles Town which Sloop being a dull Sailor, The Commander of the Privateer ordered the Spaniard who commanded the Crawford in Company with Gould's Snow to make the best of their way to saint Augustine.

for

for that he would keep Company with the Sloop to Convoy her that same night being the 26th May we parted with them the wind blowing fresh at North East the 27 & 28 run us to the Southward of St Augustine about 18 Leagues off an Inlett called the Musketons the day following being the 29th the wind came about to the Southward which brought us up to St Augustine Barr, where we found the said Privateer and Gould Snow at an anchor, The Spaniards, particularly he that Commanded the Crawford shewed the utmost anxiety to get the goods ashore, and lighten the ship by hurrying and beating both the English Prisoners their own People for dispatch of the Goods into the Boats least one of our Men of Warr should come after them which had it so happened within several days afterwards must unavoidable have retaken both our Ships and Gould's Snow And in all probability either have taken or destroyed the Privateer as this Deponent left all three lying without the Barr of St Augustine on the 2d of June when he with four English Sailors made their Escape in the Crawford's Yawl, at which time the Spaniards had sent ashore about one third of the said ships Cargo. This Deponent

further

further Declares 'tis his Opinion the Spaniards on Board the Crawford would have been put to a good deal of difficulty to have carried the said ship to St. Augustine, had it not been for his assistance with the English Sailors as they chiefly depended on him to take an observation and the Sailors to steer the vessel and to manage the sails

Thos. Lloyd
Boatswain John his X mark Crawford

Charles Town So. Carolina
Augt. 21. 1741.

Sworn before me Othniel Beale J.P.

Memt The same day sizt. ye 21 Augt. 1741 the above affidavit being read John Crawford on Oath taken on the Holy Evangelist of Almighty God declared and said that the same was true
Oth. Beale

a true copy
Alexr. Crawfd
C.C.

(Inclosure)

(Enclosure.) to Mr Bull's letter 14 Oct 1741

So Carolina

Captain John Murray of the said Province late Master of the Schooner Charming Molly Deposeth and Saith.

That he was taken on this Coast by a Spanish Privateer on the 26th January last past, and carried to Havanna from whence he made his Escape on the 3d Instant and arrived here the 23rd.

That there were when this Deponent left Havanna about Ten or 12 Privateers which cruized from thence as 'twas said upon the Coast of Carolina all of which excepting three were then out, and that those three were just ready to put to sea, and that a great many prizes had been brought in to Havana by these Privateers of which several were said to be taken upon this Coast.

That two 60 gun ships had been gone some time to bring up nine Million peices of Eight from La vera Cruiz.

That there were at Havana four 70 Gun ships and Seven 60 gun ships but mostly unfit for the sea, and that the Admiral ship of 74 Guns was blown up the 19th June past by Lightning having as

'twas

'twas said about 260 barrels of Gunpowder on board.

That there were also at Havanna about 2000 foot and 400 horse regular forces and that the Soldiers complained often that they had had no pay these four years many of which in this Deponents hearing declared that they chose to be under the English Government, and that the Seamen also appeared greatly disaffected to the Admiral.

That there was a great sickness amongst both the Land and Sea Forces, insomuch that it was computed the Men of War had lost above one half of their men, and that the Hospitals were full of sick men that they had been obliged to build an additional one.

That whilst he was at Havanna he saw Irish beef delivered there out of a French vessel with the Isle of Man mark upon the Barrels.

That there were about 200 English Prisoners at Havanna who were not only obliged (all except Masters of Vessels) to work but beaten severely, insomuch that one man died with the blows he received from the Boatswain of the Man of War on board which the Admiral hoisted his Flag, and wherein this Deponent was then detained as a Prisoner.

That about a Month before this Deponent escaped from

from Havanna, news was received there that Admiral Vernon, with the Fleet had taken possession of one Port to the Windward and another Port to the Leeward of Jago and landed some Forces which were upon their march to that Place, and that the People of the Island deserted dayly to the Admiral amongst which an Officer and fifty men and that the Commanding Officer at St Jago had applied for succours to the Governour of Havanna, but that he this Deponent only heard that about 200 men were sent to Porto Prince.

That on the 3rd Instant as aforesaid he this Deponent together with Mr Thomas Poole (Pilot in this Harbour) Captain Berj: Paine of New Yorke and a boy named William Bridges made their escape from Havana in a French Sloop Commanded by one Captain Duclare bound for Cape Francois That on the 9th day the Sloop which had sprung a Leak Sinking in the Lat of 32 about 40 Leagues from Land obliged the whole Company to betake themselves to the boat consisting of four French men and 9 Spaniards (of which one was a Priest) besides the said four English Prisoners which escaped That they were three days scudding before the wind, during which time viz: on the 11th inst. Just before day one of the Spaniards named

Francisco

Francisco (being a tall swathy pock fretten man with long black hair) stabbed Captain Paine suddenly with a Knife in the back and Twice in the hand in defending himself. the same fellow at the same time Attempting to stab the second French Captain struck the Knife down his Arm. That in the evening of that day he this Deponent perceived several private Consultations held amongst the Spaniards forward in the Boat by themselves and that their Boatswain made it known that they intended to kill the Englishmen for that they counted but thirteen Christians in the boat. That the Priest told the Spaniards that their being in that condition was a Judgement from God and obliged all (except the above Francisco) to throw their Knives overboard That the next day Viz.t on the 12.th he saw all the Spaniards rise up and stand round the Priest, who conveyed a Knife into the hands of one of them. And ordered him to kill Captain Paine and the English boy at the same time drinking part of a Bottle of Wine with the said Spaniards. and Francisco to encourage them to do it That the said Captain Bullare Interceding for their lives when the said Spaniards were going to kill them and giving assurance that the next day they should

make

make Florida prevented their being put to death; That on the 13th Mr Poole having said that he fancied he smelt land Francisco cried out that not one of the Englishmen should live an hour longer, soon after which they spyed two Sails which proved to be both from Bristol bound for this place one of which being Captain Smith toote on board him Seven of the Spaniards and the other being Captain Chadsey took in all the rest of the Company (amongst which was the Priest) and arrived here on the 22d Instant, and he this Deponent further saith that he took upon him to navigate the said Boat and was directed by Captain Huelare to Steer for Carolina but that the Spaniards more particularly the Priest demanded it and ordered him this Deponent to Steer for Florida upon which the said Captain Huelare directed him to do so, but at the same time winked privately to him and that after Captain Paine had been Stabbed, the said Priest wholly took upon himself the Command and Direction of the Boat, and ordered this Deponent to Steer for Florida

Sworn before me this
24th September 1741
Alexr Cramahe J.P.

Jno Murray

a True Copy
Alexr Cramahé. C.C.
(Enclosure)

1105

(Enclosure.) to Mr Bull's letter 14 Oct. 1741.

Carolina

Peter Sagory second Captain on board the Catherine Sloop from the Havanna which foundered at sea the 21st of this Instant September aged about forty one years, born at Nants in the Kingdom of France, being duly Sworn on the holy Evangelists of Almighty God. - Deposeth and saith, That the second day after betaking themselves to their boat one of the Spaniards on board named Francisco seemed to be very angry upon an English boys taking a seat in the said boat which he had a fancy to and arose from the place where he was then sitting and taking hold of a knife in a great fury gave this Deponent a stab on the head which by good fortune only cut his hat and the same sliding down upon his right Arm cut through his great boat and Waistcoat and wounded him considerably and immediately after the st Spaniard had done with the deponant he run to Captain Pain and gave him three Stabs two in his left hand and one in his back. That the following night the Priest searched the Deponant as well as the English and other French men on board to see whether they had any Knives

or

or no and those who had knives were obliged to deliver them to him, and that the said Priest did not take any of the Spaniards knives away. That the next day there was a great noise among the Spaniards, and the Priest declared that Mr Ducleroq was a man of no consequence and that he was their Chief and ordered the Spanish Master which came with them from the Havanah to take Command of all upon himself Then the Priest sent the said Master and the said Francisco to try whether they could Steer as well as Capt Murray who then Steard which finding they could not do he suffered Capt. Murray to continue Pilot then Mr Ducleroq and the Matteze went to gather the money which was in the bottom of the boat and put it in a sacke The Priest seeing that told the other Spaniards that, that money should soon return to them Mr Ducleroq having a Register and further this Deponent saith not

Sworn before me this
30th day of Sept: 1741

Alexr Cramahé J. P.

a true Copy
Alexr Cramahé C. C.

(Enclosure)

(Enclosure) to Mr Bull's letter 14 Oct. 1741.

South Carolina Berkley County, to wit.

Before me Thomas Dale Esqr One of His Majestys Justices of the Peace and Quorum &ca Personally appeared John Earle, who being duely sworn on the holy Evangelists maketh Oath and saith, That on Tuesday the 26th day of May last past about four oclock in the afternoon the Sloop Charming Sally bound from Madera to South Carolina; Whereof this Deponent was then Mate, was attacked and taken by a Spanish Privateer Sloop of St Augustine (who had then in his possession a ship from London one Ford Master and a Snow one Gould belonging to Bristol which he had taken some few days before) which said Sloop Charming Sally was then in thirteen fathom water and pretty near the latitude of Charles Town Bar, as soon as she was taken the Commander of the Privateer took out the Master and three others, & put nine Spaniards on board and ordered them to proceed directly for St Augustine but were retaken in their passage on Thursday the twenty eighth by Captain Tanshaw in the Phoenix man of War, within a few hours sail of Augustine Upon the Lieutenant coming on Board, he the Deponent informed him of the

the several particulars abovementioned and that they had parted from the said Privateer about twenty four hours before. that he believed the said several vessels above named were arrived at Augustine Barr at this time the wind blew fresh at N E. and continued so about ten hours, during which time the said sloop in company with the said Man of War beat to Windward for Charles Town Barr where they arrived on the 31st of May following and farther this Deponent saith not.

Sworn before me this
14th of October 1741
Thomas Veale

John Earle

a true Copy
Alexr Cramahé C C.

(Enclosure) to Mr Bull's letter 14th Oct 1741.

The Deposition of Thomas Pool one of the Pilots for the Harbour of Charles Town being sworn on the Holy Evangelist this twenty third of September 1741 saith that about the 21th Novembr last he was taken by a Spanish Privateer off the Barr of Charles Town and soon after was carried into St Augustine and confined in a Dungeon in the Castle 14 days and

was

was then sent to the Havana, and there kept close confined on board a Man of War about three months and then made his Escape in Mr. Symony's Sloop (bound for Augustine and then to high Spaniola) and 8 Sail more of Sloops and Schooners and one Snow three of which were Privateers from 60 to 90 men each and the Snow belonging to the King of Spain 120 men and fourteen barriage Guns 6 pounders: on ariving at Augustine Barr the Deponant was put on board the said Snow, which with one more of the Privateers in Eight days sailed in Company to Cruize off this Coast and one also sailed on the same Cruize by himself, In which Cruize the Snow and her Consort took a ship off this Barr which came out of Charles Town Harbour, the day before and bound for Antegua after that they took five sail more between Cape Fear and the Latitude of 29 about 60 Leagues distant and then the Snow returned to the Havana and arrived there 11th June with four of the Prizes and her Consort went with one Prize into Barroco in High Spaniola the Deponent further saith that on the 19th day of June the Admirals ship at the Havana of 74 Guns was struck with Lightning and

and blown up. That there was a great sickeness there Especially amongst the men of Warr's men that on the 14th of this Instant September this Deponant made his Escape from the Havana concealed on board of a French Sloop with three more Englishmen bound to Cape Francais with 8 Spaniards on board as Sailors and one Friar the Captain and 3 men being French men the 9th day the Sloop foundred and all the Company betook themselves to the Sloops boat they being then about 50 Leagues to the Eastward of this Barr that on the 11th day they see a Snow and a Brigg bound to this place from Bristol. The Deponant with the rest of the English and French men and 2 Spaniards were received on board the Brigg and the rest of the Spaniards on board the Snow and the Brigg arrived the 22d Instant. This Deponant further saith that while he was at the Havana he saw 12 or 14 Sail of Privateers all Sloops except one Snow and one Schooner which belonged to that place and other ports of Cuba and were frequently going out and bringing in Prizes to the Number of about 16 Sail Since January last when this Deponant came from Havana coast there were but three of

said

said Priveteers in that Harbour and they almost ready to sail upon a Cruize as was reported off the Capes of Virginia that there are now about a hundred English Prisoners at Havana, that the prisoners are forced to work very hard on board the Men of Ware and very often beat and abused to a great degree, One Sailor dying by the bruises he received from a Boatswain on board the Man of Warr which he was placed in That about a Month before the Deponant came from Havana news came there that Admiral Vernon's Fleet was got into Two Ports about fourteen Leagues to Windward of Jaga W^t Cuba and about Seven Leagues to Leeward thereof That they had almost dayly Accompts from St Jaga that the Spaniards deserted to the Admiral very fast and that they expected every hour to hear of St Jagos being taken That about two hundred men were sent as the Deponent was told to Porto Prince but heard of no other relief sent from Havana; that this Deponant frequently heard some Irish Soldiers say that there had been no pay given the Soldiers a long time and that the Common people in general wished the English would come for they had rather be under the

English

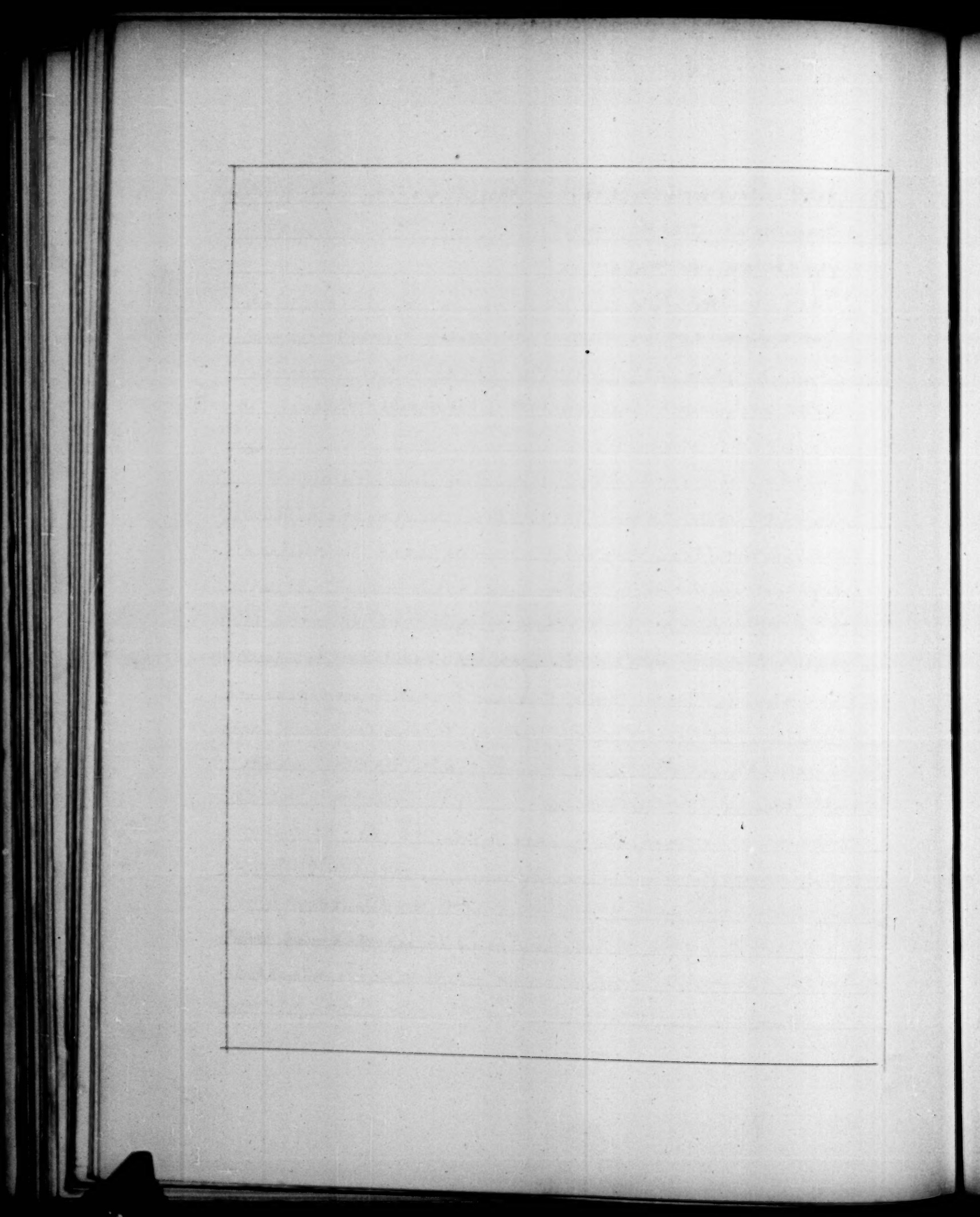
English Government than the Spanish and further this Deponant saith not.

Sworn before me this 23rd day of Septr 1741

John Fenwicke

A true Copy

Alexr Cramahé C.C.



B.P.R.O. A + W. I Vol 19 p. 129.

(No date)

May it please Your Grace

Having the Honour to be Recommended to your Grace by Sir Robert Walpole, I most humbly presume to intreat Your Grace to order a Warrant for appointing Mr Edward Berlie and myself Secretarys of South Carolina.

And I most humbly beg leave to acquaint your Grace that after having had His late Majesty's Sign Manual for the said Employment I have attended these four years last past at a very great expence, and thereby reduced to great inconveniencies, which I humbly mention to your Grace, hoping from your Grace's known goodness and compassion, it may be a Motive to induce your Grace to order a Warrant as soon as your Grace shall thinke proper in favour of

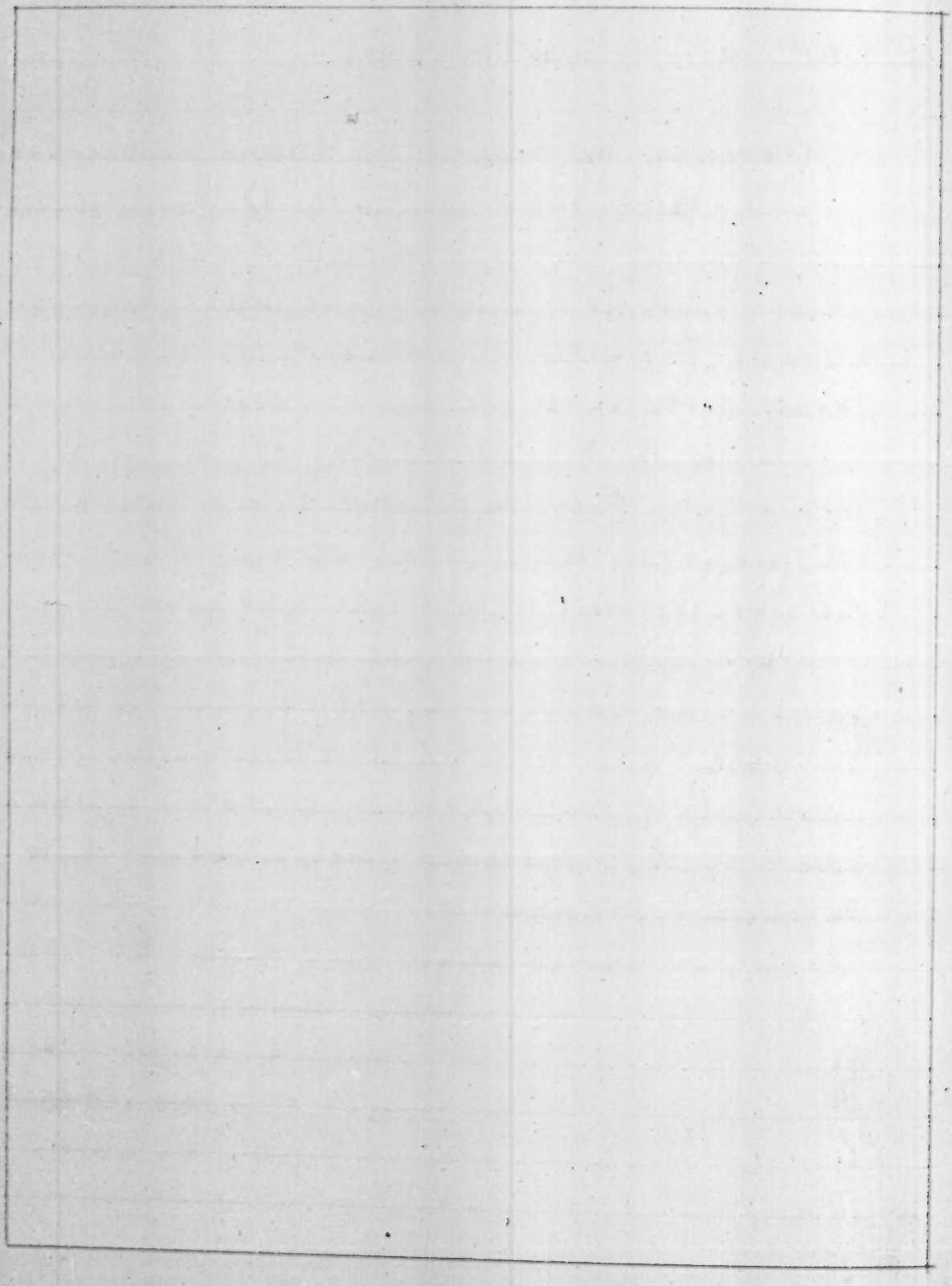
May it please your Grace

Your Grace's

Most Dutifull

and most obedient Servt

John Hammerton

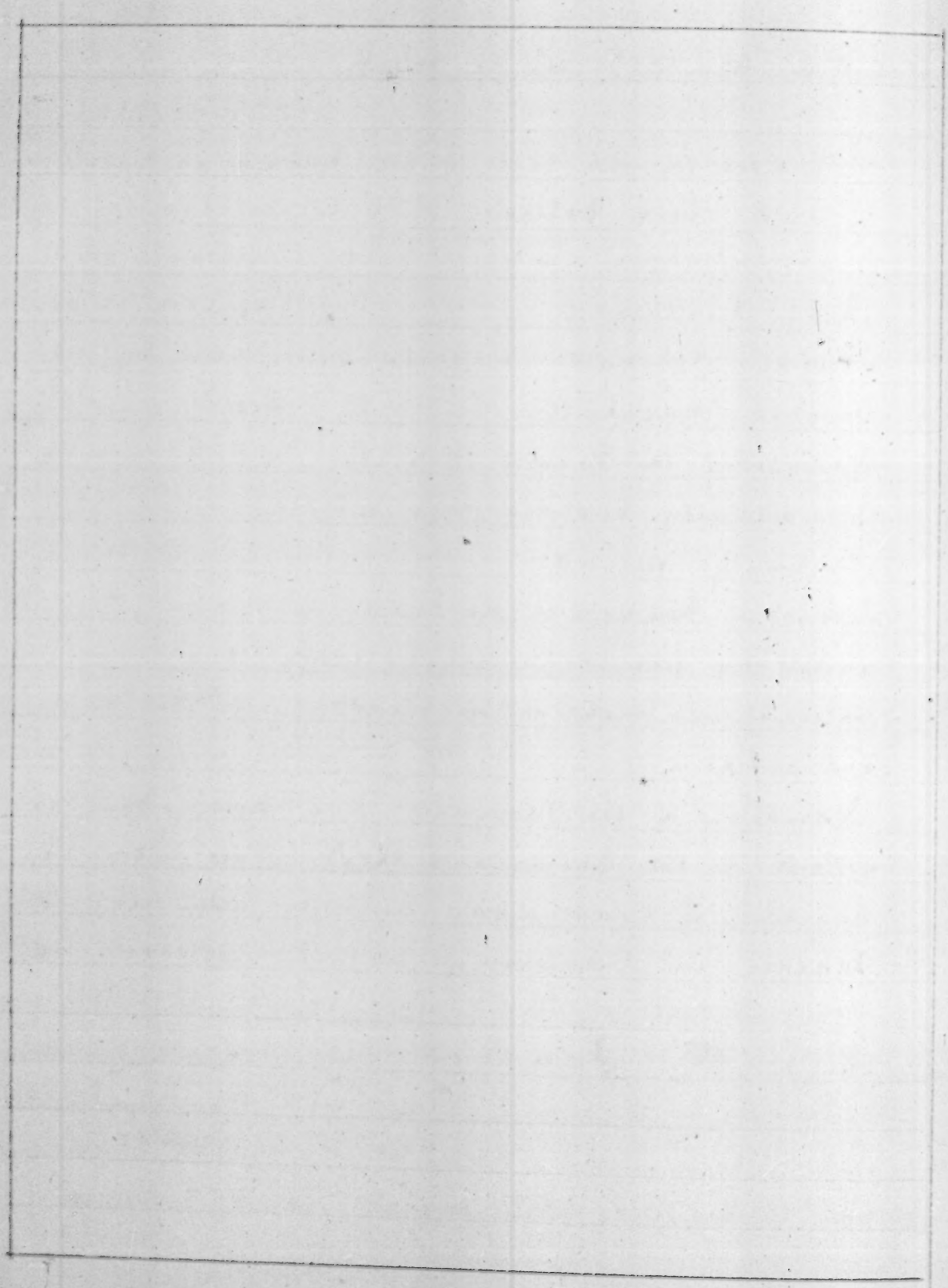


B.P.R.O. a-N.I. bol 19 p 129.

(No date.)

Places in the Gift of the Crown in Carolina and their Value

	£	s	d
Chief Justice	120	0	0
Attorney Generall uncertain			
Provost Marshall	150	0	0
Receiver of the Kings Quit Rents have usually had ten p Cent for all moneys received.			
Surveyor Generall of the Lands arises by fees for Surveying, 20 is valuable as more or less Lands are sold.			
Secretary of the Province	200	0	0
Clerk of the Crown and Pleas	40	0	0
Register of Conveyances.	20	0	0
Master in Chancery.	20	0	0



B.P.R.O. S. Carolina B.T. Vol. 11 G. 55.

(22 Oct. 1741.)

Sr

There is a petition of William Livingston Esqr. in behalf of himself and of severall others his Associates praying for a Tract of Land in South Carolina which was some time ago referred by the Lords of the Council to the Lords Commissioners for Trade and Plantations. We have had the honour to attend their Lordships severall times upon that Head and I hope have sufficiently proved to the Board that there are severall Gentlemen of Character and Fortune concerned in the Undertaking and that there is a real intention of carrying the same into Execution in which case the Province will be strengthen'd and inrich'd His Majesty's Quit Rents Increased and the Trade of this Kingdom advanced.

I therefore pray that you will move their Lordships that they may be pleased to Report That if Four Tracts of Land are granted to the Petitioners upon the River Savannah containing in the whole Two hundred Thousand Acres with the usual Exemption from Quit Rents for ten years It may prove to His Majesty's Service and the Interest of

That

11 16

that Province or in what other terms their Lordships shall think proper I am

Sir

London 22 Oct.r 1741. your Obedient Humble Servt.

Alex Callenden.

Recd 25 Oct.
Read 29 " } 1741.

B.P.R.O. So. Carolina B.T. vol 27. p 40

(4th Nov 1741)

To Francis Fane Esqr

Sir,

I am commanded by my Lords Commissioners for Trade and Plantations to send you the inclosed Act passed at South Carolina the 20th of December 1740 for regulating the Buildings hereafter to be Erected or built in Charles Town and for preventing encroachments on the Streets Lanes and Publick Alleys within the said Town &c and to desire your Opinion thereon in point of Law as soon as conveniently may be.

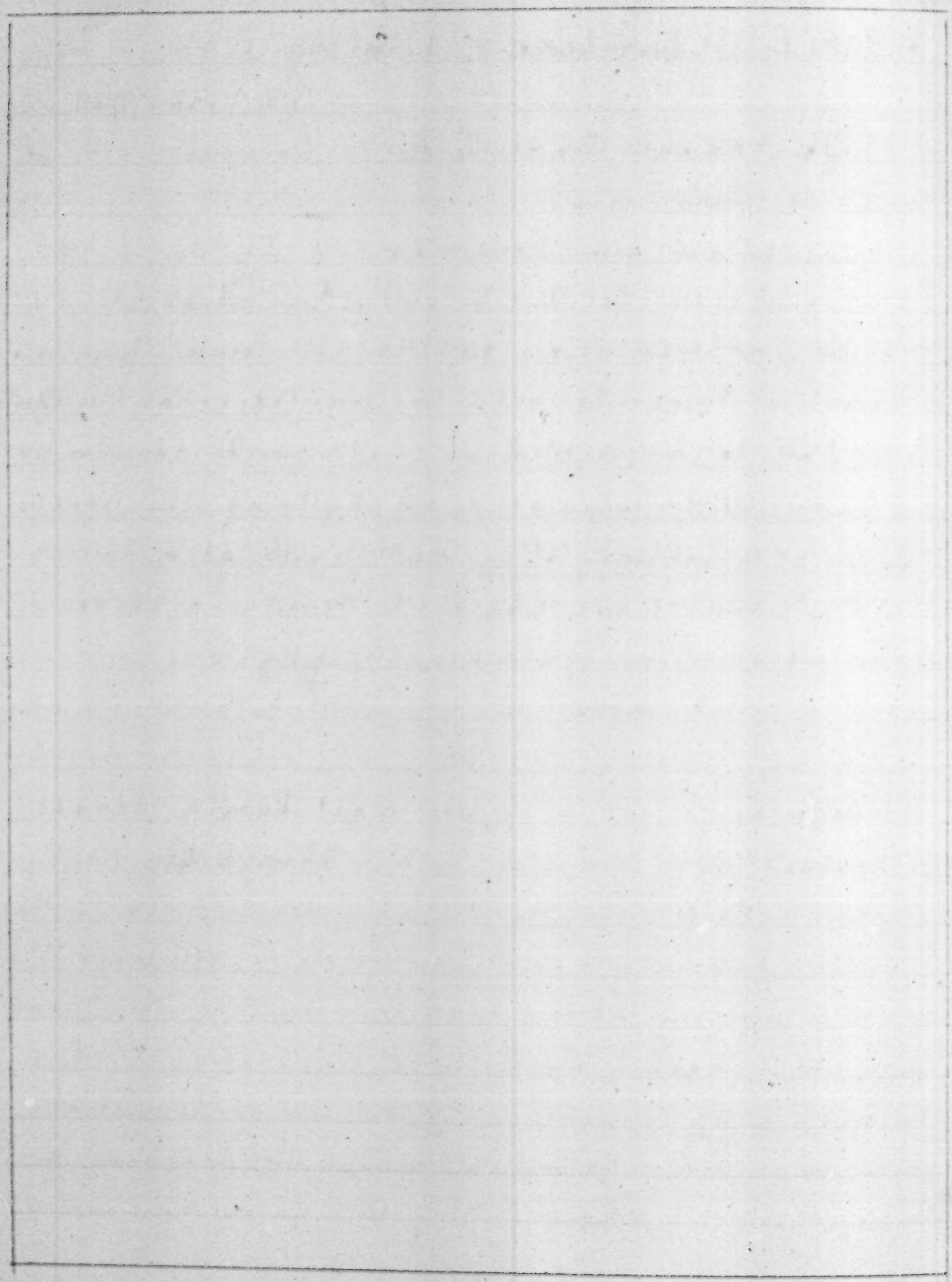
I am

Sir

your most humble Servant

Thos Hill

Whitehall
Novr 4th 1741



B.P.R.O. So Carolina B.T. Vol 11 G.70

(12 Nov. 1741)

To the Right Honble the Lords Commissioners for Trade & Plantations.

May it please Your Lordships

I received a Letter from South Carolina 2 days ago informing me that the Grand Jury held at Charles Town the 25th of October last, had the Rear roll Bill returned to them & afterwards condemn'd the same as Prejudicial to the Interest of the Province. This is a proceeding of a most unusual nature & plainly shows what length the Members of the Council & the other officers of the Crown in that Province will go, in order to defeat His Majestys Intentions declared under my Instructions: they were sensible that the Assembly cou'd not with the least Honour retract from what they had agreed to, therefore they first got the Rear Roll Bill printed in order to know if the Planters had any Objections thereto & afterwards matters were so managed as to prevail on the Grand Jury to condemn the Bill, as prejudicial to the Interest of the Province – By this means the Assembly will have some Honourable reason for dropping the Bill which I am afraid they will be the more inclined

to

to do, as there has been great care taken to inflame the Planters, and also that this Assembly will be Dissolved in a little time, And that the Elections comes on next Summer. These proceedings my Lords are intended to Obstruct me in the execution of my Office, and I do not apprehend that it is in my power to do anything for His Majesty's Service till such time as those in power are made Sensible that they will meet with due punishment whenever they shall dare to Act in Opposition to His Majesty's Orders which in many instances the Officers of the Crown have done as will appear by the Representation which I have humbly submitted to your Lordships

I am
May it please your Lordships
Your Lordships
Most obliged and
Most obedient
Humble Servant
Henry McCulloh

Cape Fear North Carolina
12th November 1741

Recd May 28th
Read June 17th
" July 14th
1742.

(Enclosure)

(Enclosure)

To the Right Honble the Lords Commissioners for Trade & Plantations

The Humble Representation of Henry McCulloh

Most humbly submitted

May it please your Lordships

In obedience to His Majestys Instructions I have herewith transmitted to your Lordships, a particular account of every step I have taken since my arrival in the Province of South Carolina. I had not been long in that Province when to my great surprize I found that the Members of His Majestys Council and all the other Officers of the Crown (the Deputy Auditor excepted) were the only persons I had to contend with, the Members of the Commons House of Assembly having upon several occasions shewn the greatest disposition to comply with their duty, in forming of a Peat Roll Bill, and the establishing of proper Rules and orders for the settlement of the Province. In order to effect which, the Assembly were then inquireing into the greivances of the settlers of the Township of Williamsburgh, in which Township many of the poor settlers were defrauded of their Lands by several of the Members of the Council and their friends, who had procured

Grants

Grants for the Lands within the Townships (from the late Governors Johnson & Broughton) in direct opposition to his Majesty's 43d Instruction. And I beg leave to take notice to your Lordships, that the Commons House of Assembly in the Year 1739. were so extreamly sensible of the great inconveniencys & danger that attended the Province, in respect to their domestick Enemies (the Negroes) and that this Wholly proceeded from the irregular and unwarrantable methods taken by the Governour & Council in the granting of Lands that the Assembly appointed a Committee to consider of the most effectual means to relieve the people about Stono from the dangers arising from domestick enemys, and also appointed a Comtee to consider and Report the most proper means for prevention of such Dangers throughout the Province. And the Committee in obed. -ience to the 1st order did Report, That Whereas by the late unhappy accident at Stono, it appeared to be absolutely necessary to get a sufficient number of White persons into this Province, the Committee begged leave to recommend that a Bill may be brought in for that purpose to the following effect — That every person owning or entitled to any slaves in this Province, for every 10 Male Slaves above the age

age of 12 years shall be obliged to find and provide one able White man for the Militia of this Province, who shall be subject to appear in the Militia & do all the dutys required by the Militia Laws of this Province.

That any person owning or claiming any Lands in this Province over and above the quantity of 4000 acres and under the quantity of 20000 so owned or claimed by such persons And for every 1000 acres Over and above the said quantity of 20,000 one able White man to serve in the Militia of this Province over & besides the number of White men such Persons are obliged to furnish for the Militia as aforesaid for or by reason or on account of their slaves as aforesaid.

That every owner of such Lands & slaves, as aforesaid who shall be deficient herein, his sons and appreatices above the age of 16 years and under the age of 60 years be accounted for and taken as so many of such white persons to serve in the Militia as aforesaid.

That every person who shall refuse or neglect to comply with the Terms aforesaid shall forfeit and pay the sum of £6. ℔ month for every male White servant

servant or White man, they shall want to serve in the Militia required as aforesaid for the quantity of Lands & Slaves held or claimed by them in this Province

That the moneys arrising by the penaltys incurred from the Persons deficient in the number of White men, to serve in the Militia as aforesaid, shall be applyed towards payment of a Patrol, to be employed in those Parishes respectively in which the Lands or Slaves lye or be, for which such persons are deficient as aforesaid. —

That for the better collecting & levying the sd Penaltys the Collectors of the general Tax are proposed to be Collectors of the sd Penalty, for which purpose the sd Collector shall be impowered & obliged to require all persons returning an Account of their Lands & Slaves in this Province to return at the same time an account of the number of White men in their Respective familys or Service. And also the time they have had such persons in their service to the intent it may be more certainly known who are or shall be deficient herein & to levy the said Penalty of £6 ℔ month for the time in which any such person or persons shall be found to have been deficient as aforesaid, and to

return

returns a particular account of such penalties levyd to the Publicke Treasurer, at the same time as they returns their accounts of the General Tax, to the intent that it may be duly applyd towards payment of the Patrol of those Parishes or Districts in which such penaltys arise.

A Bill was brought in agreeable to the purport of the sd report & accordingly the sd Report was recommitted to the Committee who brought it in who had the directions of the house to prepare such a Bill and to have the same ready against the next meeting of the House. and on the 27th day of November 1739 Mr Maryck from the Committee appointed for that purpose offered to the House for the first Reading a Bill intituled, an Additional Bill to an Act Intituled An Act for the better securing of this Province from Negro Insurrections and for the Encouragement of Poor Protestants by imploying them in plantations. Which Bill was received by the House and read a first time & past'd with amendments and sent to the upper House by Mr. Attorney General & Mr Hart.

The House of Assembly sent frequent messages to the upper House, in relation to sd Bill, but ye

Members

Members of the Council would not condescend so far as to give the Bill one reading, but ordered it to lye upon the Table. Altho' it is humbly conceived that the passing of this Bill might have been of great service to His Majesty in the discovering ye present Possessors of Lands; that it would have greatly promoted the Settlement & secured the Property of His Majesty's Subjects in this Province yet nevertheless the Members of the Council & their friends being greatly concerned in the ingrossment of Lands & apprehending as I humbly conceive, that if the sd Bill was past'd into a Law, that it would make them lyable to very great expences in the Settlement of their Lands, they would not give a place to any reasons that was offered in favour of the Bill. I have been the more particular upon this Subject in order to discover to Ye Lordships the Motives from which the Members of the Council & several of the Officers of the Crown, Act in opposition to His Majesty's orders. Upon my first arrival in the Province of South Carolina and immediately after I was sworn into my Commission I gave the Secretary & Surveyor General of the Lands. a copy of His Majesty's 15th & 16th Instructions given in charge

to

to me. & desired that they would regulate themselves thereby as far as the same related to them respectively.

On the 2nd of April 1741 a Warrant was made out by the Secretary in pursuance of an Order of Council the 10th of May 1739 and when the Warrant was offered to the Surveyor to make out his precept thereon he would not comply till such time as he had consulted me, upon which, I gave it as my opinion to him to him. that it was his duty to attend the Governor & Council, and in the most respectful manner to lay before them the copy of the order he had received from me with the Instructions thereunto annexed. And that afterwards he should pray the favour of the Governor & Council to give him directions how to conduct himself in this matter and that if it was their pleasure to renew their order to him to run out ye Lands pursuant to the warrant already delivered. that I apprehended that he was not at liberty to dispute the Governour's Orders.

My reason for giving the Surveyor this advice was that by a Law passed in this Province Entittled an Act to ascertain the Fees of the Surveyor General for the time being & his Deputy's and

to

to prevent any irregularitys being committed in the Office of the sd Surveyor General or by any of his Deputys: — The Surveyor had been obliged under a severe penalty to take an Oath before the Governour in Council, that he would implicitly obey every order & Direction that they gave him, so that he is not left at Liberty to Judge for himself, nor to act in pursuance of any orders he may receive from the Lords of the Treasury, Provided the same does not correspond with such orders as he may receive from the Governor in Council. And I likewise conceived that by my Commission I am not empowered to direct any of the Officers of the Crown, to act in opposition to the Governour's Orders, but only to direct them in any case where the Governour may think proper to contradict any order given by me in pursuance of His Majestys Instructions. That ye Officer to whom the Governour may give such orders, should serve him with a copy of such Instructions as he may have received from me, that the Governour thereby may be made accountable to Your Lordships for his conduct therein. The Warrant above referred to was made out by the Secretary, ten days after the

order

order was given by me to the Surveyor, & was in every respect contrary to His Majestys 42d Instruction. But at the same time I never gave any particular Direction to the Surveyor, as it related to that Warrant, other than what is above set forth. When the Surveyor waited on ye Governour in Council, he laid before them His Majestys 15th and 16th Instructions which he had received in charge from me. Upon which the Governour in Council renewed their order to him for the granting of a Precept to His Deputys And then the Governour & Council immediately entred into the resolutions which I have taken the liberty to transmit to Your Lordships, and orderd their tipstaff to go for me, that I might answer for my conduct, in giving such Instructions in charge to the Surveyor without first consulting the Governour & Council therein. I accordingly waited on the Governour in Council, & upon my coming into the Council Chamber, the Governour ordered the Clerk of the Council to read to me ye Resolutions they had entred into, and afterwards desired me to answer for my conduct for giving such Orders to the Surveyor without first communicating the same to their Board.

In

In answer to which I told the Governour in ye most respectfull manner, that as the affair in question was a matter of great consequence, I could not take upon me to give an answer immediately but that if His Honour would be pleased to order the Clerk of the Council to make me out a Copy of the several Resolutions then read to me, that I would by the next council Day give an answer thereto in Writing, the Clerk of the Council was directed to comply with my request, & upon receit of the same from him I drew up the Declinatory Plea, which I have herewith Transmitted to ye Lordships. The proceedings of the Governour and Council in this particular I humbly conceive to be altogether inconsistent with His Majestys Instructions to the Governour to support and protect me in the execution of my Office. And in several particulars must have an exceeding bad tendency, as it throws my Commission into Contempt and would remove from me the only Power I have granted me by Commission Namely that of being at free liberty to Publish His Majesty's orders & Instructions & to require a due Obedience to be paid to the same.

and

and as several of the Members of the Council are Partys in most of the Frauds that have been committed if the Council are left at Liberty to explain to me the Orders of the Crown. I do not apprehend that it would be in my Power to do my duty in the Execution of my Office.

But on the other hand it is most humbly submitted to Your Lordships consideration whether ye free exercise of the powers granted to me can have any ill tendency, as by my Commission I have not any executive Power, as the Governour & Council is at Liberty provided they see I go from my Duty to order such Officers as I may give Instructions to, not to obey me, and also that I have not the least power in any case whatever to enforce an obedience to ye orders of the Crown, other than that of Representing any Denial or neglect of duty in the Officers: and in this the whole Power of my Commission subsists for whilst it is apprehended by the Officers that they will meet with due punishment in case of Denial or wilful neglect of duty, they will pay a due regard to such directions as I may give in behalf of the Crown but where all credit is removed from me,

by

by the Proceedings of the Council and some of the principal Officers of the Crown in that Province particularly Mr Attorney General & the Secretary & Receiver General of Yr quit Rents; it cannot be expected that the Tenants of the Crown in this Province will pay any regard to such summons's or Orders as I may give them in pursuance of my Instructions.

What has been done by the Council, I have in all humble manner represented to Your Lordships as above. And shall now beg leave to Represent to your Lordships that I have been credibly informed & assured by several persons that Governour Glenn wrote over to Mr Attorney General, that the People need not in the least be alarmed at my coming over, for that he would take effectual care to prevent me from carrying my designs into execution, and he further assured him that I was in no manner of Credit or esteem with my Superiors at home, and in support of what he said, he wrote Mr Attorney that I had attempted to get the Quit rent Law repealed, and also petitioned His Majesty in Council to be a Member of His Majesty's Council in South and North

Carolina

Carolina. And that he had found means to defeat me in both those particulars.

My Lords it would give me the greatest concern imaginable to Represent anything to Your Lordships but what I really apprehended to be founded in Truth, and I would not have troubled your Lordships with mentioning the contents of those Letters But that I apprehended by Mr Attorney Generals showing of sd letters they have had a very ill effect in the Province. I gave notice to Mr Attorney General that I would represent this matter to your Lordships, and desired that for my Satisfaction that if the letters were not to the effect above mentioned that he would be pleased to shew them to me Which he denied to do, and only told me that he had read the two Letters he had received from Mr Glenn, wherein mention was made of me to no person which he apprehended would inform me of the contents. What I am most humbly to pray from your Lordships, is that your Lordships would be pleased to recommend it to his Majesty to lay his Commands upon Mr Attorney General to produce the sd letters, & that I shall have a Power granted me

me to examine Mr Attorney General upon Oath before the Chief Justice, & to bring such persons as I may think proper in order to prove what I have above represented if the informations given me shou'd prove false, this will be doing Mr Glenn a piece of Justice But on the other hand if they shall prove true Ys Lordships condescention in taking notice of this matter will have an exceeding good Effect in the Province.

I shall now beg leave to Represent to Your Lordship's that altho I have given Mr Hammerton who acts as Receiver General of the Quit rents, and also as Secretary of the Province repeated orders to make me out a state of the arrears of the Quit rents due to His majesty till ye 25th March 1740 And also a Copy of the Receipts as enter'd in his Books. And as Secretary that he would make me out a list of all warrants & Grants that have been issued since the year 1730. Yet I have not been able to get him to do anything in relation to what I have given him in charge nor do I expect the he ever will comply in making out a regular & fair account of the Quit rents, as I am persuaded that he is in

arrear

arrear to the Crown at least £1500 Sterling. By an account which I took from his Bookes, he appears to be indebted to the Crown the 25th of March, 1738 £1283.5.11. Procs Money, but he has since that time given himself credit for several sums of Money which he says he paid but for which he cannot produce Vouchers there is one sum in particular of £539.5.11 Procs Money which he charges as paid to the Attorney General but upon my Enquiring of him whether the Receiver had paid him any such sum, he told me he never had received such sum, But that Mr Hammerton had engaged to pay him interest for the arrears of his Sallary till such time as it was paid up. Upon examining Mr Hammertons Bookes I found that he seldom or never brought himself indebted to Qr Crown at such times as he received the quit rents by himself and that all the arrears that appear to be due, is upon the returns of his Deputys accounts which were stated very clearly this gives me great reason to suspect, that he has not made fair entry of the Receipts of Quit rents & I am still further confirmed in this Opinion by the informations I have had from Mr Saxby who acted as one of his Deputys. that it appeared

that

that when ye Planters produced their last Receipts for the payment of Quit rents, that they are in general but very little in arrear.

Mr Hammerton is also greatly indebted to private persons, and as I am informed he discharges part of the same by allowing such persons as he is indebted to, to answer quit rents for others that are considerably indebted to the Crown.

Mr Hammerton complains that the Rent roll delivered to him by the Deputy Auditor is very irregular, which is true, but then it proceeds from the Auditor's not having it in his power to make out a list of the mesne conveyances that have been made by the Original Grantees of the Crown, and where any such have been enter'd in the Auditor's Office, he has always added them to the Rent roll without making a double entry. Which makes the Amount of the rent roll appear much greater than it really is & renders it extreamly difficult to checque the Receiver Generals Accounts. I have made the Dep.t Auditor sensible of this Error, and pointed out a method to him by which the same may be remedied. And as he has upon all occasions shewed a proper zeal for His Majesty's service. I do not doubt

doubt but that he will be able to furnish the Auditor General with a perfect rent Roll in less than 12 Months. The only method by which I could form a Judgement of the quit rents of the Crown in So Carolina was by examining into the Provincial Treasurers account of the Land tax and by that it appears that there are 2.496.000 Acres of Land returned upon which the Land tax is paid and upon the best computation I could make, allowing for the different Quit rents reserved under the late Lords Proprietors, & under the Crown, the quit rents will amount to about £2750 Proc. Money p annum exclusive of the lands granted within ye Townships which by the year 1747 will amount to at least £700 more and this sum I am perswaded may be regularly collected Whenever the Lords of the Treasury shall think it proper to remove Mr Hammerton from his employment of Receiver General Provided the said Employment is put into the hands of a person who is acquainted with the affairs of the Province.

It is humbly apprehended My Lords that by the above representation, it will appear that the opposition that is given to me by the Members of the Council & by several of the Officers of the Crown,

proceeds

proceeds from the irregularitys they have been guilty of, and also from the restrictions they are put under in the Land Office by which means their fees are greatly lessen'd. I have transmitted to your Lordships all the vouchers, I cou'd possibly obtain at present in support of the above representation, but when the proceedings of the Land Office & such Minits of Council and Assembly, as I have directed the respective Clerks to make me out are laid before your Lordships, they will fully prove the truth of what is here represented.

There are several other matters which I shall hereafter submit to your Lordship's consideration Namely, with respect to the Regulations which I humbly conceive are absolutely necessary to be made in the Method and form to be observed in the return of the Minits of Council and Assembly, for as they stand at present I conceive it to be very difficult for your Lordships to form a right Judgement of what they are doing in the Plantations, and I shall also endeavour to point out to your Lordships the great inconvenience that attends the permitting of His Majesty's Governours in the Plantations to pass Laws of an unusual nature, or by which the Property

of

of His Majesty's Trading subjects are affected without inserting a suspending Clause, and that in many cases where Laws are passed in the Provinces & sent home to be laid before his Majesty, for His Majesty's approbation of the same, that not without waiting to know His Majesty's pleasure thereupon, they pass other Laws, quite altering the purport and design of the former, so that if the Crown approves of the former Law, it is quite changed by the latter, & if the Crown disapproves of the former Law, in that case the last Law will be in force, from this cause it proceeds that there have been so many changes in the paper Bills of Currency in America.

The delay given to me from the want of the returnes of the accounts which I had desired from the several Officers, & the ill state of health which I have been under for several months past has prevented me from giving that dispatch to Business which I would otherwise have done. I have given Directions to Mr Hammerton and also to the Clerk of the Assembly to transmit to your Lordships the Minits of Council & Assembly which will fully prove what I have represented to your Lordships in relation to the Proceedings of the Assembly in

the

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the year 1739, and also in regard to what steps the Assembly have taken with respect to the Petition preferr'd to them by the settlers of the Township of Williamsburgh

I am with the greatest submission
may it please your Lordships
Your Lordship's
Most Obliged and
Most Obedient Servant
Henry McCulloh

Cape Fear North Carolina
8th of November 1741.

B. P. R. O. So Carolina B T Vol 11. G. 71.

(Recd with Mr Mc Culloh's letter dated 12 Nov. 1741.)

To the Rt Honble the Lords Commissioners of His Majesty's Treasury.

The Humble Memorial of Henry Mc Culloh.

Sheweth

That from the great opposition & many delays that is given to Your Memorialist by the Officers of the Crown, in the execution of his Office. That Your Memorialist humbly conceives that it will be for His Majesty's Service to grant Your Memorialist the Power of Stopping the Payment of such officers Sallarys as neglect or refuse to do their duty, till such times as your Lordships shall be apprized of the nature of their default.

That your Memorlst humbly apprehends that he cannot take any steps in relation to the Settlement of the Lands in the Townships till such time as your Lordships may be pleased to give Your Memorialist Directions how to proceed with respect to the Members of ye Council who have taken up Lands within the Townships, & also that Your Lordships would be pleased to give the necessary Directions to the Govr & Council not to disturb your Memorialist in ye Execution of his Office.

That your Memorialist humbly conceives that

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it will be for his Majesty's service to remove Mr Hammerton from the Office of Receiver Genl of the Quit rents, particularly as ye Memorialist apprehends that it is impossible to make out a true state of ye arrears of quit rents, during the time that Mr Hammerton is continued in that office.

That your Memorialist most humbly conceives that from the confused & uncertain state of the revenues arrising from the Quit rents in South Carolina it is highly necessary to appoint a Receiver of the Quit rents who is well acquainted with the affairs of the Province. And therefore your Memolst most humbly begs leave to submit it to your Lordships consideration Whether it may not be for his Majestys service to appoint Mr Gabriel Manigault, who is Provincial Treasurer, which from the nature of his Office makes him well acquainted with the state of the Revenue arising from the Quit rents. -

Wherefore your Memorialist most humbly prays that your Lordships would be pleased to take the Premisses into consideration, & that your Lordships, would give such Directions thereupon as your Lordships in your great Wisdom shall think meet, and your Memorialist as in Duty bound

shall

Shall ever pray &c
Henry McCulloh.

So Carolina Vol II. G. 72. Recd in Mr McCullohs letter 13 Nov 1741)

Sir

As I am sensible the appointment of a new Office, particularly where the intention of the Crown in such appointment is to ascertain and secure not only His Majestys rights but also those of the Subject, must naturally occasion various conjectures & speculations on that head and as I am very credibly informed some persons have already not only greatly misrepresented — His Majestys Gracious Intention therein, therefore to prevent others from falling into the like error and to remove all groundless Jealousies or misapprehensions I thought it a Duty incumbent on me to lay before a person of your Publick Character a short but true state of the nature and real design of my commission not doubting but that you will explain the same to the Gentlemen of the Assembly in the most impartial and candid manner, and that by your & their means the Benefits that will arise to the Inhabitants of this Province from this new Office & yr Gracious intention of the Crown towards them

them in erecting the same will be fully known and understood throughout the whole Province.

The unsettled state of the Lands in this Province is a matter that I humbly conceive must create great concern & uneasiness to every one who has any property in it & be considered by all impartial men as an evil that loudly calls for a speedy and Effectual remedy.

So likewise that there should be a strict order & one uniform known method observed in the Grants & surveys of Land is what must be greatly desired by every Intelligent Freeholder in the Province.

And that the Possession or Inheritance of lands should be so settled and determined as to prevent all disputes for the future, it is conceived must be agreeable to every person who has any landed property in the Province, or the least intention to settle & improve the same.

As these are matters in which the general welfare & safety of the Province are concerned, His Majesty out of his tender & gracious regard to this Province & the Inhabitants thereof has been graciously pleased to take them into his Royal & indulgent consideration. In consequence whereof I have the pleasure

to

to assure you that if the general security and safety of the landed property of the Province depends upon the regulating & providing for all those several matters & if the accomplishing hereof be of real & lasting benefit & advantage, to this Province I am fully Empower'd by His Majesty's Royal Commission and Instructions to do every thing that can in reason be desired by the present possessors of Land in every one of these particulars. And as one instance of this and at the same time of His Majestys great Goodness and Concern for the ease & Prosperity of his Subjects in this Province I will beg leave to inform you that His Majesty has commanded me to publish and Declare that he will be graciously pleased to confirm all persons in ye possessions they now hold; even where the same is subject to forfeiture Provided they will oblidge themselves to cultivate & improve their Lands, & to pay the Quit rents that are legally due thereon. So great an instance of condescention & goodness in His Majesty I am persuaded will meet with a due return of Gratitude and that every Gentleman in this Province will be aiding & assisting to me in the perfecting so good a design in which their own ease and security, & the ascertain-

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ing & freeing their share of property in this Province from being ever hereafter drawn in question is so greatly concerned. – As it Regards myself. I beg leave to assure you that it shall be my particular study to do every thing in my Power for the ease & service of this Province.

I am &c.

Henry Mc Culloh.

The foregoing is copy of a Letter wrote to the Speaker of the assembly of South Carolina.

(S.43. Recd with Mr Mc Culloh's letter 12 Nov 1741)

This Publick Notice is addressed to all Gentlemen Freeholders and others to whom it may concern.

Gentlemen.

His Majesty having been pleased by His Royal Commission to me, as Commissioner for supervising Inspecting and Comptrolling His Majesty's Revenues & Grants of Lands to order and direct a strict enquiry to be made into the present method of passing of Grants of Lands through the several Offices in this Province, and to settle and Regulate the same in such manner as that the Royal Intentions may be most Effectually answered therein. And His Majesty having been graciously pleased as an instance of his great goodness and

concern

concern for the ease & prosperity of His Subjects in this Province to Command me to publish and declare that he will be graciously pleased to confirm all persons in the possessions they now hold under proprietory Patents or Grants or by Grants immediately derived under the Crown, in pursuance of His Majestys 42d & 43d Instructions to the Governour of this Province. Provided they will Register their Grants, and that they will oblidge themselves to cultivate & improve their Lands and to pay the Quit rents that are legally due thereon.

In Obedience therefore to His majestys Commands & in respect to such Gentlemen as may have any concern in the matters herein treated of. I apprehend that it is a Duty incumbent on me to inform the Gentlemen to whom this notice is address'd, what His Majesty expects & requires they will comply with on their part, which I shall beg leave to do in the following manner namely.—

1st Notice is given to all such as Claim Lands by Proprietory patents or Grants, or by any other Title derived under them, who have not comply'd with the Directions of the Quit rent Law. That they do forthwith Register their Titles, or Memorials thereof in

in the Office of the Auditor General or his Deputy, and that all Lands that have been sold or devised to others be Registerd in the manner directed by the said act, and that all Guardians Trustees & Attorneys who have any Lands in trust, are to take notice that if they do not comply with the Directions of the said act they will be answerable & accountable for the same, and that if ye record is not perfect, the Partys concerned are to take notice that it will be incumbent on them to prove that they have tenderd their Grants, patents, or Memorials thereof in the Office of the Auditor Genl or his Deputy.

2dly Notice is given to all such as have had any Lands ascertained to them by virtue of Surveys made in pursuance of the Directions had in the Quit rent Law or that have taken out Grants from His Majestys Governour in order to confirm their former Titles to lands claimed under the late Lords Proprietors, that they do forthwith Register their respective Titles or Memorials thereof in the Office of the auditor General or his Deputy.

3rdly Notice is given to all Persons claiming Lands by Virtue of Patents under the Late Lords Proprietors which Patents or Grants they alledge to be Destroy'd by

by Fire or otherwise, but of which they are not able to make full proof, nor of the conditions on which the Grants were passed That His Majesty has been graciously pleased to signify His Pleasure to the Commissioner of the Quit rents, that he shall permit them to take out new Grants for the same at the proper and accustomed Office subject to the Quit rent of four shillings procl money ℔ 100 Acres. But as to all such as shall make full proof before the Commissioner of ye Quit rents of their having had Patents from the Lds Propts before the year 1727 and of the conditions on which they were granted His Majesty's Pleasure is that they shall hold their Lands agreeable to the Terms & conditions of their Patents, notwithstanding their having been destroyed by fire or otherwise & that the Commissioner of the Quit rents shall certify the same accordingly And this further Notice is given that if the Partys Concerned do not accept of the Terms that is now offered to them, that they will be proceeded against as the Law directs.

4thly Notice is given to all such as have Warrants granted them for surveys or have platts or surveys returned, that they are to take out Grants for the

Lands

Lands claimed in Right of the Warrants, otherwise they will be prevented from doing it hereafter, for as a Warrant is not a Title in Law, those that will not do equity can not claim it.

5thly Notice is given to all such as possess Land by Grants under the Crown & to such as claim Lands by mesne Conveyances or by any other Title whatsoever derived under the said Grants that such Titles respectively or Memorials therefore to be Registered in the Office of the Auditor General or his Deputy, or that Otherwise the original Grantees will be prosecuted for ye Quit rents and that all such as have not comply'd with the conditions of their Grants in settling and cultivating their Lands do forthwith settle and cultivate the same.

6thly Notice is given to all such as reside in this Province, & have not paid their Quit rents, that by the Quit rent Law their lands are subject to be forfeited Provided the Quit rents are Five years in arrear & that no distress can be found upon their Lands. and this further notice is given to such as claim or possess lands in right of Grants made out in pursuance of Purchase Warrants, that if they do not register Memorials of their Titles in the

the Auditors office, and pay the Quit rents in the manner directed by the Quit rent Law, that such Grants will be subject to forfeiture, & that it is incumbent upon all persons who hold or possess Lands under several tenures to shew by the Receivr Genls receipts upon what particular Patents or Grants they have paid their Quit rents.

1thly Notice is given to all such as have taken out Grants for Lands, & committed any waste upon the same, by cutting down the Timber, that tho they may have subjected their Lands to be forfeited by not complying with ye Conditions of their Grants or that in order to avoid the Payment of the Quit rents, they have conveyed their Titles to others who are not Residents in this Province, That they are hereby required to pay the quit rents that are due thereon for altho' there are conditions comprized in the Grants, on failure of which they may be forfeited yet nevertheless it is at the Election of the Crown to Enforce the performance of the conditions of the Grants. And it is apprehended that where the conditions of the Grant is not complyed with that a sale or surrender of the Grant does not discharge the original Grantee, particularly when the same is made to any person

that

that does not reside in this Province, for by that means a claim would be kept up against the Crown and the Crown would be barred from having any Remedy.

8thly Notice is given to all such as claim or possess more lands, than what they are entitled to by their Patents or Grants, that His Majesty has been graciously pleased to signify his pleasure, that if they do give notice of such surplus land to the Commissioner of the Quit rents, that they shall be permitted to take out new Grants for the same, subject to ye Quit rent of four shillings Procr Money p hundred Acres. And this further notice is given that if the Partys concerned do not comply that the Commissioner of the Quit Rents will hereafter publish a Notice assuring all such as will give him information of any surplus Lands claimed by others, that the party by whom the notice is given shall be entitled to have a Grant for the sd Surpluss Land, subject to the usual Terms & Conditions of Settlement.

9thly Notice is given to all such as have taken out Grants for Land in pursuance of mixt surveys, or of platts or surveys irregularly made out & returned that if they will apply to the Commissioner of the Quit rents to be discharged from the same, that he will

will submitt a state of their case to the Rt Honble the Lords Commissioners of His Majestys Treasury & to the the Rt Honble the Lords Commissioners for Trade & Plantations and that the Partys concerned may expect such relief as the nature of their case will Admitt.

Gentlemen you will perceive by the nature & tendency of the above Notice what His Majesty requires from you, is calculated for the Publick service and Benefit of this Province, and that Your own Ease & Security depends upon the taking of proper measures in the settlement of your Lands, & in ye ascertaining and freeing your share of Property from being ever hereafter drawn in question by the Crown, and it is hoped that the easy & gentle method that is proposed to you in the effecting of this good Work, will invite you thereto, as it is conceived that it cannot be argued with the least appearance of reason that it is placing any hardship on the Partys concerned in any of the matters above hinted at, to Register their Titles or Memorials thereof in the Office of the Auditor Genl or his Deputy particularly as the same may be Registered at so low an expence as seven pence half penny Procr money ℔ Copy sheet. And if the Benefits arising to the

Publick

Publick from the having of a regular Register of all Patents and Grants is considered, the private Trouble the partys may be at in doing the same, cannot be put in competition.

His Majesty has it in his Power, and has given it to ye Commissioners of the Quit rents in charge that after his having given publick notice of His Majestys Royal Intentions, he shall by due course of Law Enforce a complyance to what is now required. But in order to avoid Prosecutions His Majesty has been graciously pleased to command me to invite you to your duty, with an assurance that such as comply with the Directions of the Crown shall not be disturbed in their propertys or possessions. and for this further reason, that if it is possible there shall be any such as will not pay a just regard to the notice that is now given, that the Consequences that may attend a Refusal shall be wholly imputed to themselves.

You are sensible that in Justice to the Crown & in respect to the Security of your Landed interest you ought to pay the Quit rents for such Lands as you claim, or possess. Yet it has appeared upon Examination that tho there is near Two millions

five

five hundred thousand Acres of Land returned upon your Tax list. that the Receiver Genl by his Accounts has not collected since the purchase of the Province one year with another above £ 753.= Sterling ₱ Annum inclusive of my Lord Bartrets 1/8th part of the Quit rents It is hoped that you will consider this, and that you will as soon as possible state your Accounts with the receiver General, and shew a readiness in doing what is in your Power in the payment of the arrears of quit rents, in which case the Poorer sort of Planters, shall upon application had to the Receiver General of the Quit rents, be indulged with any reasonable time they may demand for the Payment of the arrears of Quit rent. Gentn from the reasonableness of what is proposed to you. I doubt not but that you will readily comply with what is required. And as it regards myself I beg leave to assure you that it shall be my Particular Study to do every thing in my Power for your ease & Service

I am

Gentlemen &c

(Signed) Henry McCulloh

G. 74.

(G. 74. Recd with Mr Mc Culloh's letter 12th Nov. 1741.)

Proposals of Henry Mc Culloh Commissioner of the Quit rents with the report of the Committee of the Whole House thereon as agreed to by the House. —

1st That all persons claiming Lands by mesne conveyances derived under any Patents or Grants, or by any other title whatsoever, derived from or under them, that the party claiming lands in right of such Titles, shall be obliged within 18 months from the Ratification of this Act, to register Memorials of their Respective titles in the Office of the Auditor Genl or his Deputy, provided the same has not been already registered in the said Office, or that otherwise the lands blained by them shall be subject to forfeiture & be deemed as vacant lands. And in order to keep up the Registry of Lands in the Auditors Office all persons who may hereafter derive any Title to Lands by mesne conveyances or otherwise shall be obliged to Enter memorials of such their Titles within 6 months after they are in possession, or that otherwise their Land shall be subject to forfeiture.

Agreed to in general but that instead of Forfeiture it be under a penalty of paying treble quit rents from the lapse or omission of Entering, till the Memorial shall

shall be entered and that it be done within 18 months after Publick notice shall be given in this Province of His Majesty's Confirmation of the Act, and that the officer be obliged under a Penalty (by the same Clause) to endorse on all titles of which Memorials are Entered that Memorials according to Law have been entered thereon, and to sign such Endorsement. Provided that a certificate is produced under the hand of the purchaser of any Lands, acknowledging that he has purchased the same.

2d That all Guardians, Trustees and Attorneys who have any Lands in trust for others, be required at their peril, and as they will answer the Damages that may ensue, to enter Memorials of such Titles as they may have under their respective management Direction or Trust.

Agreed to, under the same Limitations as the first.

3d That a clause be inserted to exempt minors till 2 years after they are of Age, and such Persons as are not Residents in this Province for 3 years the Ratification of this Act, from any forfeiture of Title, on account of any Omission or neglect that may happen from their not having Memorials of their Titles entered in the Office of the Auditor Genl or his Deputy

Agreed

Agreed to as above.

4th That such as have possession of land without being able to produce any legal title for the same shall be at liberty to take out Grants from the Governour in Council for the said Land, subject to the usual Terms & Conditions of Settlement.

Agreed to, so that the person applying for such new Grant shall have it on the same terms & conditions, as in his former Grant, Provided he can make it appear upon what terms such Lands were formerly held.

5th That all persons upon payment of Quit rent to the Receiver General or his Deputy shall be obliged to give in a State or Schedule of the Lands they then hold under different tenures, or otherwise to forfeit double the Quit rents, And that the Receiver General shall be obliged to give them a Receipt under their state or schedule so produced to him.

Agreed that the first time any person shall pay his quit rent after confirmation of this Act, he shall be oblidged to give a state or schedule of the Lands he then holds, but not afterwards unless a new purchase made, or alteration of the property. The rest of this proposal agreed to.

6th

6th That such as have Warrants granted them for Surveys or have platts or surveys returned, are to be at Liberty to take out grants for the same, subject to the usual terms & conditions of Settlement Provided the sd Grants are made out for such platts as are returned within 6 months; and for such Warrants as have not platts returned within 18 Months from the Ratification of this Act, but otherwise they are to deliver up the sd Warrants, & be Barr'd for ever after taking out Grants in right of them. And that it should be provided, if any person makes wast on the Kings Lands, by cutting down the timber, or Burning off Lightwood, that they shall for ever after be subject to the Payment of the quit rents.

Agreed to the first part of this proposal, except that persons be oblidged to deliver up their Warrants & be barr'd for ever thereafter from taking out Grants in right of them, and that the latter part of the Proposal relating to the committing Waste stand as to imposing a penalty on the person committing such waste.

7th That such as Possess more Lands than they are Entitled to by their Patents or Grants, shall within

18

18 months from the Ratification of this Act, give an Account of such surplus lands to the Governor & Council, in which case they shall be Entitled to a new grant for such surplus lands, upon the same terms & conditions, contain'd in their former patents or Grants. But if the partys con-cern'd do not comply within the time limited they shall not have a preference to any other person, who may hereafter apply for a Grant of the sd Surplus Lands.

Agreed to with these amendments, that as the Lands in this Province are full of underwood, which renders it difficult to run them out very exact therefore where there is only ten acres in one hundred over measure, and so in proportion for a greater or lesser quantity, it shall not be deemed to be surplus land, since a mistake of that quantity might probably happen from the difficulty in sur-veying it. And that the Term of 18 months be en-larged to five years, after the confirmation of the Act, & that the party taking out a Grant for surplus Lands shall be oblidged to pay quit rents for the same, from the time of the Confirmation of this Act.

8th That all persons who hereafter sells or conveys

any

any of their Lands to other Persons that are Residents in this Province, that the Party disposing of their Lands shall thereafter be discharged from the Payment of the Quit rents that may commence & grow due thereupon Provided the Quit rents are paid up till the time of sale, and that a Memorial of such Conveyance be immediately entered in the Office of the Auditor General or his Deputy.

Agreed to with this Amendment that 6 months be allowed for entering Memorials of such Conveyance.

9th That all persons claiming Lands by Patents or Grants or by any other Title derived under them (Lands within the Out Lines of the Townships excepted) shall settle or procure to be settled, within four years from the Ratification of this Act, one white Protestant Man for every 1000 Acres of Land claimed by them in right of any title whatsoever which person or persons shall be settled on the Lands so claimed by them, and be subject to the Militia Law, and that effectual care be taken that no person do Double Duty & that the Person or Persons so settled have not been formerly enter'd in the Militia Rolls of this Province.

Agreed to, Provided it extend not to Proprietory Patents

Patents or Grants of Land made before His Majesty's Purchase of the soil of this Province & provided that the Persons who are oblidged from their Quantity of Lands granted since His Majestys purchase of the soil to provide a white man for every 1000 Acres without the out lines of the Townships, be at Liberty to settle those men on any part of the s^d Lands, & provided further that the owners of such Land or his son or sons of the age of 16, servants and overseers, be deemed and taken as so many of the s^d Persons, whom he is oblidged by this clause to produce on the Muster Rolls of the Militia in the Parish where such land shall be scituate.

10th That all persons claiming Lands by Grants under the Crown or by any other title derived under them within the Out lines of the Townships shall be oblidged to settle or procure to be settled within 4 years from the Ratification of this Act two white protestant men for every 1000 Acres of Land claimed by them within the Out lines of the Townships,- which persons shall be so settled upon the Lands so claimed and be subject to the Militia Law. And that effectual care be taken that no

person

person do double Duty's, & that the persons so settled have not been formerly Enter'd in the Militia Rolls of this Province.

Agreed to.

11th That all such as have taken out Grants for Lands in pursuance of mixt surveys or of plats or surveys irregularly made out & returned that at any time within 6 months after the Ratification of this Act, be at liberty to surrender their sd Grants. Provided they do give notice to the Auditor General or his Deputy in writing of such their surrender & provided also that the party who surrender the same make Oath before the Govr in Council that they have not, nor any person for them, cut down any of the timber or burnt the lightwood upon the Lands which is then by them so tender'd to be surrendered to the Crown.

This Clause agreed to in substance but to be extended to all Grants, as well others as those upon mixt surveys. where the partys surrendering shall make oath that he has committed no wilfull waste by burning Kilns of Pitch or Tar thereon, or felling the timber to the Value of £5. Sterling the surrender to be admitted at any time within 18 months next after

after notice & Publication in this Province of His Majesty's confirmation of this Act.

12th That a Clause should be brought in to enable the Crown to recover escheated Lands But as to the present Escheats that it may be humbly offered to the Crown, that the Benefits arising therefrom shall be apply'd in such manner, as the Govr Council & Assembly shall direct, for the Encouragement of Foreign Protestants or others to settle in this Province.

Agreed to provided that the application of the moneys arising from the sale of Escheated lands, be not particularly specifyed, & that the power be given to the Court of Common Pleas for the recovery thereof & that in the Bill it be particularized what is intended by escheated Lands.

13th That it may be enacted that all Grants that have been made out by His Majesty's Governrs since the purchase of this Province by the Crown shall be confirmed & provided no Escheated Lands are included within any of the said Grants.

Agreed to, Provided it extend not to Grants within the Townships but to all other Grants against the Crown And that a saving Clause be added for private Property.

14th That a suspending clause be inserted to prevent this

this Bill from taking effect, till His Majestys pleasure is made known thereon.

Agreed to. —

It was agreed further that a Clause be added to confirm every part of the quit rent Act that shall not be altered by the intended Regulations of this Act.

(G. 75. Recd with Mr Mc Culloh's letter of 12th Nov 1741)

South Carolina (Copy)

In the Council Chamber friday the 3d April 1741

Present

The Honble the Lieutenant Governor

The Honble { James Kinloch, John Fenwicke, John Hammerton, Edmond Atkin, Joseph Blake } Esqrs

James St John Esqr Surveyor Genl waited on his Honr the Lieutt Govr & His Majestys Council and laid before them an order he had received from Mr Mc Culloh dated the 21st of March last together with two Instructions which he had ordered to be affixed up in his Office which are as follows viz.

To

44 b 5

To James St. John Esqr. Surveyor Genl of His Majesty's lands in the Province of South Carolina.

Sir / You are hereby directed strictly to observe yr following Instructions, as far as the same relates to the Duty of your Office.

I am

21st March 1740. Sir

Your most humble Servant

Henry McCulloh.

16th Instruction.

And whereas many inconveniencies have arisen from the want of a proper Regulation in the Land Offices in our said two Provinces of South and North Carolina, in which they are expressly enjoyned not to Grant any more lands than in the proportion of fifty acres to each Person in the Grantee's Family; which number it was Our Royal intention should have been seated and Cultivated by the persons for whom the same were so granted, in relation to which we are given to understand that in many instances Our orders have been evaded; For remedy thereof we are therefore Graciously pleased to Declare that it is our Royal Will & pleasure, that all persons petitioning for Lands shall Previous to their obtaining a Warrant thereupon, prove

prove their rights to such land before the Governour & Council, when at least four Members of the Council shall be present not having any concern or Interest in ye Lands petitioned for; and that if the lands so petitioned for are granted accordingly, in such case the Warrants for Granting the same be thereupon Drawn up & sign'd by our sd Governour in Council, & made returnable by the Surveyor within twelve months at farthest from the dates thereof; and that a particular Description of the lands so Petitioned for be inserted in the Warrants, & that before the Warrants shall be Delivered to ye Surveyor, a docquet thereof be enter'd in the Auditors Office there, and that in default of any of ye sd Particulars being Observed the said Grants shall be void.

16th Instruction

And We do further declare it to be Our Royal Will and Pleasure that when the Warrants shall be returned agreeably to ye Directions contained in our aforegoing Instruction, the Grants shall be made out in due Form, and that the Terms and Conditions on which such Warrants issued, & the Lands were surveyed be particularly & expressly mentioned in the respective Grants, and that the sd Grants shall be registered within six months from

from the Dates thereof in Our Secretary's Office there, and a Docquet thereof be also entered in Our Auditors Office there, or that in Default thereof such Grants shall be void; copies of all which Entries Our pleasure is shall be returned regularly home by the proper Officers to the Commissioners of Our Treasury or Our Commissioners for Trade & Plantations within twelve months from the dates thereof.

Mr St John then informed the Board that yesterday a warrant in the usual form came into his office sign'd by the Lieut Governor requiring him to Admeasure and lay out unto Thomas Moses 250 Acres of Land, which being repugnant to the above Instructions he had not issued his precept to one of his Deputys to execute the same and desired to know how he should conduct himself in this affair.

Upon which Mr McCullohs Commission was ordered to be read, upon reading Mr McCulloh's Commission it was moved that the Govr would be pleased to inform the Board whither he has late received any new Instructions from His Majesty, relating to the Method of Granting Lands in this Province.

His Honr informed the Gentn of the Council that he had not.

Upon

Upon taking the above matter into consideration it was the Opinion of His Majesty's Council that Mr Mc Culloh hath in a very extraordinary manner obstructed in the Surveyor General's Office the Execution of a Warrant issued yesterday by the Lieut Govr by advice of Council the 10th of May 1739. Pursuant to His Majesty's Instructions to the Governour, and that by taking upon him to give the above order to the Surveyor Genl without first communicating to this Board any Authority grounded on Instructions from His Majesty for his so doing, he hath not only assumed an Authority noways becoming him, but is guilty of a great contempt of His Majesty's Lieut Governour & Council.

That the Surveyor Genl is obliged by his Oath to execute the above warrant, pursuant to a Law of this Province Entituled An Act for ascertaining the Fees of the Survr Genl for the time being & his Deputys & to prevent any Irregularitys being committed in the Office of the sd Survr Genl or by any of His Deputys.

That the Surveyor Genl should be served with a copy of this Opinion and that Mr Mc Culloh ought to be sent for to answer for his irregular Proceeding

a

A true copy
Alexr Cramahe C.C.

To John Hammerton Esqr Receiver General of His Majestys Quit rents in South Carolina.

Sir. / You are hereby directed and required forthwith to prepare an Account of all the quit rents that you have received either by yourself or Deputys and that you will Distinguish such Accounts as have been Audited from those that have not. You are likewise to prepare & lay before me the particular State of the arrears of Quit rents due to His Majesty till yr 25th of March 1740.

I am
Sir
your most humble Servt
Henry Mc Culloh

21st March 1740.

To John Hammerton Esqr Secretary of His Majesty's Province of South Carolina

Sir. / you are hereby required strictly to observe the following Instructions as far as relates to the duty of your office

I am
Sir
your most Obedt Humble Servt
Henry

21 March 1740

Henry Mc Culloh

N.B. The Instructions, above refer'd Copy of His Majesty's 15d + 16t Instructions given in Charge to the Commissioner of the Quit rents.

To John Hammerton Esqr Receiver Genl &c

Sir. I expected before this time that you wou'd have prepared and laid before me a particular state of the arrears of Quit rents due to his Majesty. And that you wou'd have given a copy of the receipts as enter'd in your Bookes.

I am

3d of April 1741. Sir

your most humble Servant

Henry Mc Culloh

To John Hammerton Esqr Secretary & Receiver Genl of His Majesty's Quit rents in the Province of South Carolina

Sir. I was in hopes that by the last Post you wou'd have sent me a Particular state of the Arrears of Quit rents due to his Majesty till the 25th of March 1740 and that you wou'd have also forwarded to me Copys of the Receipts as enter'd in your Bookes. The Rent roll delivered you by the Dept Auditor may not be altogether perfect but at ye same time I apprehend it to be your Duty to make out as good a

state

state of the Arrears as you can. And that in compliyance to the Instructions you have received that you will Transmitt the same to me as soon as possible, the Delay the Assembly has given to the Bill you mention gives me very little hopes of matters being accomodated in ye friendly manner that I proposed Therefore I am to desire that you will order your Clerks to make out a full and clear state of all Warrants and Grants that have been issued since the year 1730 and that you will follow the Method that is laid down in the inclosed paper in doing the same please to send me an account by the Bearer how much the Quit rents amounts to that you have received this year

18th of August 1741.

I am
Sir
your most humble Servant
Henry McCulloh.

N.B. the paper above refd to is the same as no 10

To the Honble William Bull Esqr Lieutenant Governour of His Majestys Province of South Carolina in Council.

I having received by direction of Your Honr a copy of several Resolutions & orders of this Honble Board dated the 3rd and 4th instant. Wherein Your Honr are pleased to call upon me to answer for my Conduct in giving

giving Directions to Mr. Lt. John Surveyor Genl. of the Lands strictly to observe His Majesty's 15th & 16th Instructions as far as the same related to the duty of his office. Which Proceedings I humbly apprehend to be in direct opposition to His Majesty's Pleasure signifyed to You by my Commission; His Majesty having therein been graciously pleased to impower yr. Commissioner for Supervising Inspecting & Comptrolling His Majestys Revenues and Grants of Lands through the several Offices in this Province, and to settle and Regulate the same in such manner as that the Royal Intentions declared in His Majesty's Instructions to his Governour may be most effectually answered.

But what I humbly conceive to be a matter of the greatest surprize is That His Majesty having been graciously pleased to give the Governour directions in relation to the Method & form to be observed in yr. Grants of the Lands. That the Comptroller the first time he waited on the Governour having taken along with him His Majesty's Instructions under the Sign Manual & read to His Honour therefrom His Majesty's 15th and 16th Instructions. And that the Comptroller not having done anything further on this head than to direct the Secretary of this Province, and

the

the Surveyor General of the Lands strictly to observe His Majestys 15th & 16th Instructions, which were upon Record in the Secretary's Office the 23rd of March 1740.

That Your Honrs were pleased to come to the following Resolution namely. That it was the Opinion of His Majestys Council that Mr Mc Culloh hath in a very extraordinary manner obstructed in the Surveyor General's Office the execution of a Warrant issued yesterday by the Lieutenant Governour, by advice of Council the 10th of May 1739. Pursuant to His Majestys Instructions to the Governour. And that by taking upon him to give the above order to the Surveyor General without first communicating to this Board any authority grounded on Instructions from His Majesty for his so doing, he hath not only assumed an Authority noways becoming him but is guilty of a great contempt of His Majestys Lieutenant Governour & Council.

That the Surveyor General should be served with a Copy of this Opinion, & that Mr Mc Culloh ought to be sent for to answer for his irregular Proceeding

I having considered the tendency of those Resolutions, and that they will in a great measure,

as

as I humbly apprehend Defeat His Majestys intentions declared in His Royal Commission & Instructions. In order therefore the better to support the Powers granted to me by His Majestys Royal Commission, & the Instructions to which the same relate. I humbly conceive that in Duty to His Majesty I am under an indispensible necessity to enter the following Declinatory Plea to the Jurisdiction of this Honble Board in relation to any matter or thing done by me in the execution of my Office as Commissioner for Superviewing Inspecting & Comptrolling His Majestys Revenues and Grants of Lands

I am

Your Honours

Most obedient and

Most Humble Servant

(Signed) Henry McCulloh

To the Honourable William Bull Esqr Lieutenant Governour of His Majestys Province of South Carolina in Council.

The Declinatory Plea of Henry McCulloh Commissioner for Superviewing Inspecting & Comptrolling His Majesty's Revenues & Grants of Lands in the Province of South Carolina

Carolina to this Honourable Board, to take Cognizance of, or to hold Plea or Jurisdiction in any matter or thing done by him in pursuance of his Commission as supervisor Inspector & Comptroller of His Majesty's Revenues & Grants of Lands.

The sd Henry Mc Culloh for Plea in Bar to the Jurisdiction of this Honourable Board to take Cognizance of any matter or thing done by him Agreeable & consistent to the Powers Granted to him by his Commission or to restrain him in the publication of such orders & Rules as His Majesty has been Graciously pleased to give him in charge. Saith that he holds his sd Office of Commissioner for supervising Inspecting and Comptrolling His Majesty's Revenues & Grants of Lands by Commission immediately derived from the Crown, & Countersign'd by The Right Honourable the Lords Commissioners of His Majesty's Treasury. That he has not by his said Commission made accountable for his behaviour in the execution of his Office to this Honourable Board, but only to His Majesty. The Right Honble the Lords Commissioners of His Majesty's Treasury, and the Rt Honble the Lords Commissioners for Trade and Plantations. That by his sd Commission he is considered as an Officer appointed for special uses, to Enquire into

into the State of the Province with Respect to the Quit rents. the Settlement of the Lands & the Regulating of the Offices. That the Comptroller from the nature of his Office, as well as from the particular framing of his Commission is not considerd as an Officer or Assistant of this Honourable Board.

That this being a Frontier Province. the Establishing proper Rules & orders to be observed in the Settlement of the Lands. it is conceived makes the free Exercise of the Powers granted to ye Controller a matter of Publick & General concern, not only as it relates to the safety of this Province in particular, but also as it regards the Trade & Commerce of Great Britain. That tho' the Comptroller by his Commission is Appointed for special uses, yet he has not any Power that can in the least interfere with the Governour & Council in a Legislative Capacity.

From the reasons assigned in the aforegoing paper, & from the several Matters herein referrd to. The said Henry Mc Culloh hereby humbly insists that he is not amenable to this Honourable Board for anything he has done, or shall do in the execution of his Office of Commissioner for Supervising Inspecting & Comptrolling His Majestys Revenues and Grants of Lands. but is only

answerable

answerable & accountable for the same before His Majesty The Right Honble the Lords Commissioners of His Majesty's Treasury & the Rt Honble the Lords Commissioners for Trade and Plantations. All which matters and things the sd Henry Mc Culloh insists upon by way of Plea in Bar to the Jurisdiction of this Honourable Board

Charles Town (signed) Henry Mc Culloh
South Carolina
8th of April 1741.

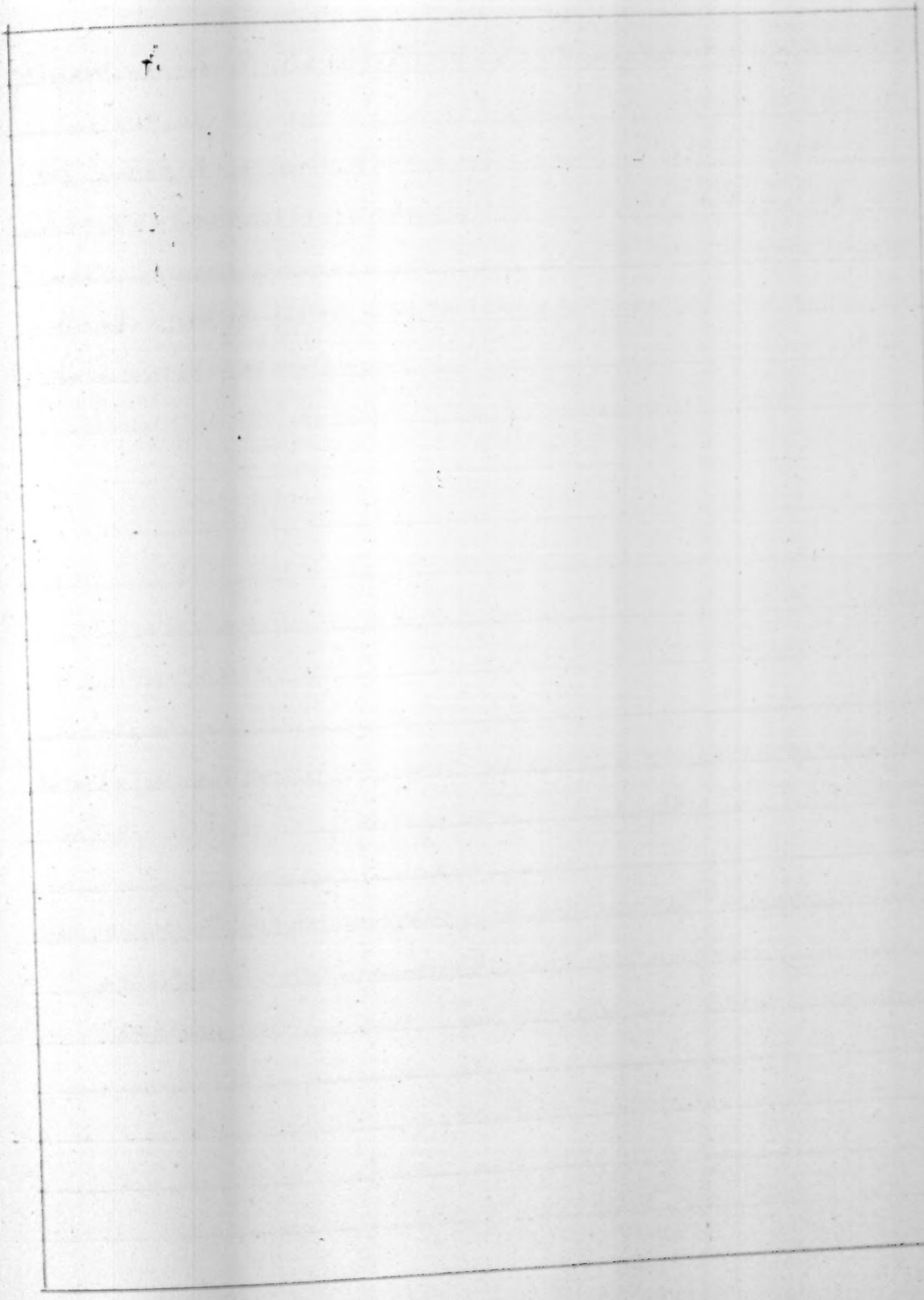
To James Lt John Esqr Surveyor General of His Majestys Lands in the Province of South Carolina.

Sir

You are hereby required Strictly to observe the following Instructions, as farr as the same relates to yr Duty of yr Office

I am
Sir
Your most humble Servt
Henry Mc Culloh.

21st March 1740.



B. P. R. O. So Carolina B.T. Vol. 11. G. 96. Recd with Mr McCl

North & South Carolina. The Method and Form to a particular state of the present possessors of Land

Party's names in the Warrant	Date of the Warrants	Number of Acres contained in the Common Warrants	Number of Acres contained in such Warrant as are run within the outlines of the Townships	Date of the Plats of such Lands as are taken up under the Warrant	Date of the Plats of such Lands as have been surveyed in right of Proprietory Titles as directed by the Quit rent Law.	Number of Acres returned by the plats in pursuance of Common Warrants.

North & South Carolina. Form of a Rent roll

The names of the Grantees or such as the Grantees convey to.	Quantity of Acres	Date of the Grants or Conveyance	The County the Lands is Scytuated in	To whom or by whom sold Assigned or Conveyd	Quantity Sold.	Date of the Sale	at what Quit rent
Abercromby James	3500.	5th Febr. 1737	Colleton County	John Brown	1000 Acres	10th May 1740	@ 4/- Procl
Brown John	1000	10th May 1740	Colleton County	Abercromby Jas	1000.	10th May 1740	@ 4/ -
Stevenson Charles	2000	12th June 1740	Granville County	———	———	———	@ 4/ -

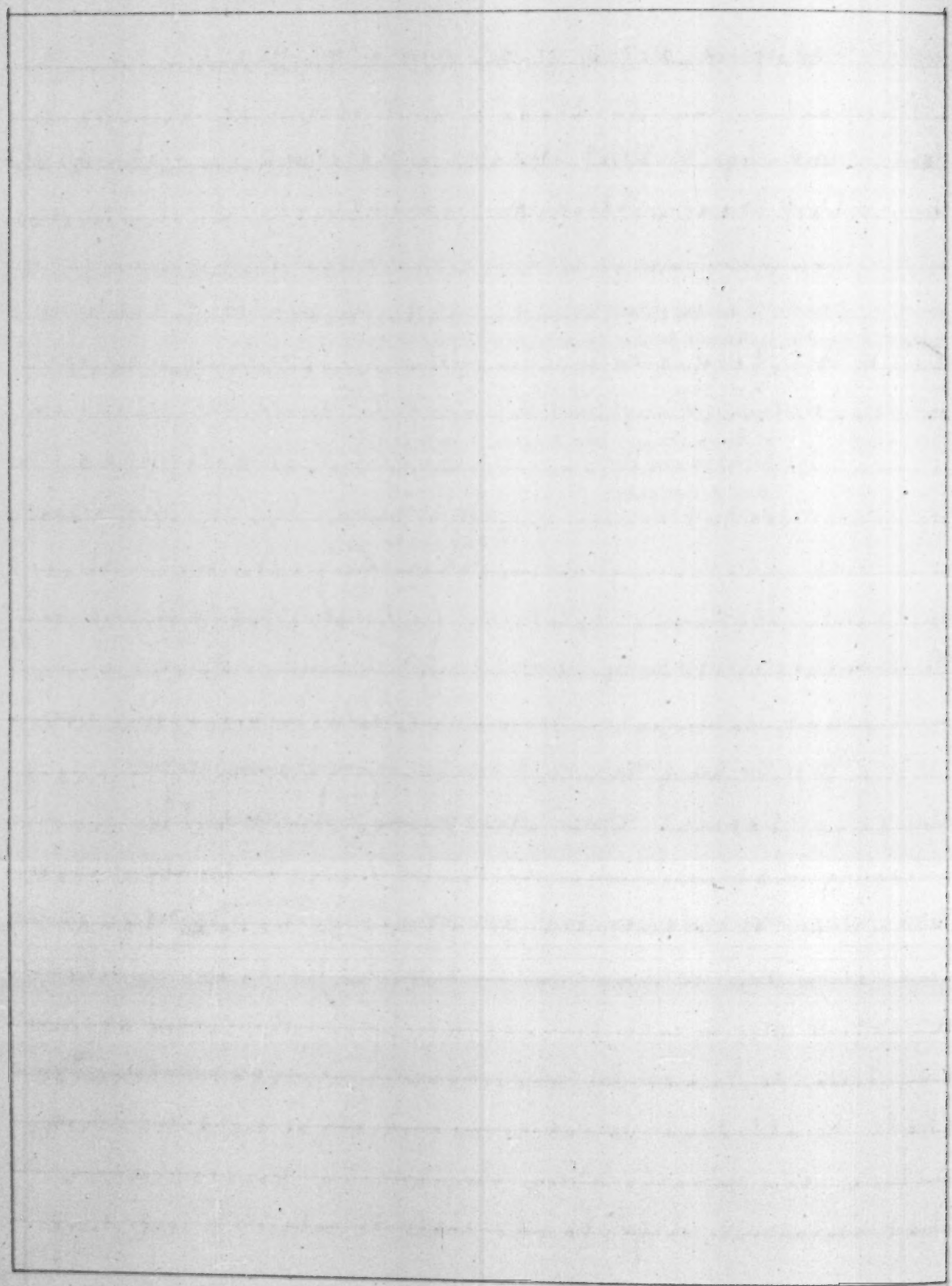
letter to yr Board, dated yr 12th November 1741

be observed by the Depy Auditor & Secretary in making out in Right of Grants, Patents or Warrants. —

Number of acres returned by the plats of lands run within the outlines of the Townships.	Number of Acres returned by the Plats of lands that have been surveyed in right of Proprietory Titles since the Act of surrender to the Crown.	Rates of such Grants as are immediately derived under the Crown.	Date of such Grants as are made out by the Majesty's Att agreeable to yr directions of the Great Seal Law or of such special Instructions as have been given by the Att & Solicitor	Number of Acres contained in the Grants	Number of Acres that remains returned from the Warrants

Delivered the Deputy Auditor General

		Purchasers names	Place of Abode	Number of Acres	Rate of Consideration	Where the Land is Scituated	From whom purchased	at what Court		
5.10.0	7.12.6	Brown John	Craven County	1000	Sterling	Colleton County	Abercromby James	4th Rent	2 -	3 12 0
2 - -	3.12 -									
4 - -	6.10 -									



G 77 (Recd with Mr Mc Culloh's Letter dated Nov 12th 1741.)

Observations on the heads of a Bill humbly Proposed by Henry Mc Culloh to his Honour the Lieut Governour of South Carolina in Council to be recommended to the consideration of the Commons House of Assembly of that Province.

Most humbly submitted

To the Right Honble the Lords Commissioners for Trade & Plantations.

That all persons claiming Lands by mesne Conveyances derived under any Patents or Grants or by any other title whatsoever derived from or under them. That the party claiming lands in right of such Titles shall be obliged within eighteen months from the Ratification of this Act to register Memorials of their respective Titles in the Office of Ye Auditor General or his Deputy. Provided the same has not been already registered in the said office, or that otherwise the Lands claimed by them shall be subject to forfeiture & be deemed as vacant Lands. and in order to keep up the registry of Lands in the Auditors Office all persons who may thereafter derive any Title to lands by mesne conveyances or otherwise shall be obliged to enter memorials of such their Titles within six months after they are in possession, or that otherwise their Lands shall be subject to forfeiture.

It

It is enacted by the Quit rent Law passed in South Carolina in the year 1731 that all lands sold or devised after the said lands had been registered agreeable to the Directions of the said Law that a new Memorial thereof shall me made & fyled with the Auditor, But in many particulars this has not been complyed with and altho' the Law particularly directs the registring of all Patents issued before that time, Yet there is no notice taken in relation to any Grants that shall thereafter be made out, nor has the least care been taken hitherto by the Governour & Council in giving the necessary Directions for keeping up the Rent roll, which might have been done with great ease at the time the land office was opened from all which matters it is humbly conceived the above Clause is absolutely necessary for the forming of a rent roll.

That all Guardians Trustees & Attorneys who have any Lands in trust for others be required at their peril as they will answer for the damadges that may ensue to enter Memorials of such Tithes as they may have under their respective mannagement, direction or trust.

The intention of this Clause is to oblige all Guardians Trustees & Attorneys to do their Duty, Particularly as

Minors

minors & persons beyond the Seas are to be exempted for a considerable time from any forfeiture.

That a Clause be inserted to exempt Minors till two years after they are of age and such persons as are not residents in this province for three years after the Ratification of this Act from any forfeiture of Title on account of any Omission or neglect that may happen from their not having Memorials of their Titles entered in the Office of the Auditor General or his Deputy.

The remarkes that are made under the second Proposal it is humbly conceived will explain the aforegoing.

That such as have possession of Lands, without being able to produce any legal Title for the same shall be at Liberty to take out Grants from the Governour in Council for the same, subject to the usual Terms & Conditions of Settlement.

Many of the Poorer sort of people have sate down and Cultivated Lands without having any Legal title to produce for the same, and are often disturbed in their possessions by other persons who have taken out Grants for their Lands, and made them subject either to the payment of rent or dispossess'd them

shew. therefore the intention of the above clause is to secure such persons in their Possessions.

That all persons upon payment of Quit rent to the Receiver General or his Deputys shall be obliged to give in a state or schedule of the Lands they then hold under different tenures or otherwise forfeit double the quit rents. And that the Receiver General shall be obliged to give them a Receipt under their state or schedule so produced to him.

By the irregular Method in which the Receiver General has kept his Accounts it will be extremely difficult to discover what arrears there may be due to the Crown, or how much he may have secreted of the Money received in Payment of Quit rents. Therefore it is humbly apprehended there is no other Method that could so effectually discover the truth of his accounts.

That such as have Warrants granted them for Surveys or have platts or Surveys returned, are to be at Liberty to take out Grants for the same, subject to the usual Terms and Conditions of Settlement. Provided the sd Grants are made out for such platts as are returned within six months & for such Warrants as have not platts returned within Eighteen Months from

from the Ratification of this Act, but that otherwise they are to deliver up the s.d Patents & be barr'd from ever hereafter taking out Grants in right of them. And that it should be Provided that if any person makes waste upon the Kings Lands by cutting down the timber or burning of Lightwood that they shall for ever after be subject to the payment of Duit reals

The Governour in Council when Warrants have been issued have not limited any time for the return of the Surveys & Platts (and in all Warrants issued the Warrantee is at liberty to survey out as many different parcells of Land as he pleases upon the same Warrant. And the Deputy Surveyors return the Platts to the Warrantee & not to the Surveyor General. By which means they keep the Platts in their hands as long as they please, before they bring them to the Surveyor to be certifyed by him, which irregular proceeding has occasioned the greatest confusion & makes the above Proposal absolutely necessary to the speedy forming of a Rent Roll

That all such as possess more Lands than they are Entituled to by their Patents or Grants; shall within Eighteen months from the Ratification of this Act, give an Account of such Surpluss Lands to the

Governour

Governour & Council, in which case they shall be Entitled to a new Grant for such Surpluss Lands upon the same terms & conditions contain'd in their former Patents or Grants. But if the Partys concern'd do not comply within the time Limited they shall not have a preference to any other person who may thereafter apply for a Grant of the sd surpluss lands

By a Clause in the Quit rent Law it is Enacted that all persons possessing greater Quantitys of Lands than they are entitled to by their Grants, shall be at Liberty to take out Grants for sd Surplus Lands, and that in case any person gives information of sd Surplus and is at the expence of surveying the same yet nevertheless the Party in possession shall have a Preference. This Clause in the Act effectually secures such as hold surpluss Lands, as no other person will put themselves to the charge of a survey without some reasonable prospect of having the Lands Granted them Therefore the above proposal is made in order to remove this Difficulty.

That all persons who hereafter sells or conveys any of their Lands to other persons that are residents in this Province, that the party disposing of their Lands shall thereafter be discharged from the payment of the

Quit

Quit rents that may commence & grow due thereupon Provided the Quit rents are paid up till the time of sale and that a Memorial of such Conveyance be immediately entered in the Office of the Auditor General or his Deputy.

It has been a practice in this Province for a considerable time past that when any person has box'd the pine trees for making of Turpentine or burnt the Lightwood for making of Pitch and Tar that after having laid the Lands in a manner waste & render'd them of no value that they convey their Grants to Sailors or such persons as are not known in order to discharge themselves of the Quit rents; By this means the Crown is not only defrauded in the Quit rents, But the Record in the Auditors Office is kept in great confusion thereby; to prevent which for the future it is proposed as above that the Grantees shall not be discharged from the payment of Quit rents unless they dispose of their Lands to such as are Residents in the Province & that a Memorial of such Conveyance be immediately enter'd in the Office of the Auditor General or his Deputy.

That all persons claiming Lands by Patents or Grants or by any other title derived under them,

(Lands

(Lands within the out lines of the Townships excepted) shall settle or procure to be settled within four years from the Ratification of this Act, one white protestant man for every thousand Acres of Land claimed by them in right of any Title whatsoever which Person or persons shall be settled upon the Lands so claim'd by them & be subject to the Militia Law, and that effectual care be taken that no person do double duty & that the Persons so settled have not been formerly entered in the Militia rolls of this Province.

The Governour in Council without any regard had to the directions given by his Majestys 42nd Instruction, have by the Grants issued made the Grantees of the Crown liable to no other conditions of settlement, than that of clearing & cultivating one Acre of Land for every five Hundred acres contained in their Grants this last clause is in the choice of the Tennant, & what few or none of them have complyed with. And the conditions of the grants in General are such as to defeat the intention of the Crown in the settlement of the Province, & renders the payment of the Quit rents uncertain and precarious, as there are no distress to be found upon the Lands, & in many instances it is the cause of much strife & contention amongst

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the Planters themselves, as they have often run in upon each others lines in their surveys. From these several reasons I used my utmost endeavours to get the above proposal agreed to by the Commons House of assembly in order to Remedy so great a defect in the Grants.

That all persons claiming Lands by Grants under the Crown, or by any other Title derived under them within the out lines of the Townships shall be obliged to settle or procure to be settled within four Years from the Ratification of this Act two white Protestant men for every thousand Acres of Land claimed by them within the outlines of the Townships. Which persons shall be settled upon the Lands so claimed and be subject to the Militia Law. And that effectual care be taken that no person do double duty. and that the persons so settled have not been formerly entered in the Militia Rolls of this Province.

His Majesty from his tender regard to the security & well being of the Province of South Carolina, was Graciously pleased by his 43rd Instruction to the Governour of that Province to order & direct that Eleven Townships should be laid out for the reception of

of Foreign Protestants, and that they should be laid out in such manner as to form a proper Frontier for the inner part of the Settlement, that no persons that were not Inhabitants of the sd Townships shou'd be at Liberty to take up any Lands within six miles of the Townships. And that the Inhabitants as their substance shall increase shall be admitted to take up Lands within the outlines of the Townships. In pursuance of this Order the Governour and Council issued Proclamations, & sent them to most parts of Germany inviting foreigners to come over to the sd Province, and promising them considerable encouragement upon their so doing. These proposals had their desired effect, and many Foreigners transported themselves thither, But the Governour & Council imagining that from this settlement the Lands within the outlines of the Townships would become very valuable, formed a scheme to take up the best of the Lands within the Townships for themselves & friends & to settle the poor Foreigners in violation of the Publick faith upon Lands of exceeding bad quality, This scheme of the Governour & Councils, in the time of the late Governours Johnson & Broughton, were in many instances put in Practice, and many of the Township Settlers have been disposed & obliged to pay

Rents

Rents for their Lands thereby. But as they found themselves imposed upon and defrauded, they Wrote over to their friends & relations abroad of the Ill treatment they had met with. And from this cause the Townships for some years past are so far from Encreasing their numbers that some of them are considerably Reclined The Publick faith being entirely lost, and the Settlement of the Townships being wholly at a stand. And likewise to prevent such Gentlemen of the Council as are concerned in the Township Lands from giving me any considerable opposition in the passing of a Rent Roll bill. I humbly apprehend it to be for his Majestys Service to make the above proposal.

That all such as have taken out Grants for Land in Pursuance of mixt surveys or of platts or surveys irregularly made out and returned shall at any time within six Months from the Ratification of this Act be at Liberty to surrender their sd Grants, provided they do give notice to the Auditor General or his Deputy in Writing of such their surrender, & provided also that the Party who surrenders the same make Oath before the Governour in Council, that they have not nor any Person for them, cut down any of the Timber or burnt the Light wood upon the Lands which is then

so

so tendered by them to be surrender'd to the Crown.

That a clause be brought in to enable the Crown to recover Escheated Lands, But as to the present Escheats that it may be humbly Offered to the Crown that the benefits arrising therefrom shall be apply'd in such manner as the Governour Council & Assembly shall direct for the encouragement of Foreign Protestants or others to settle in this Province.

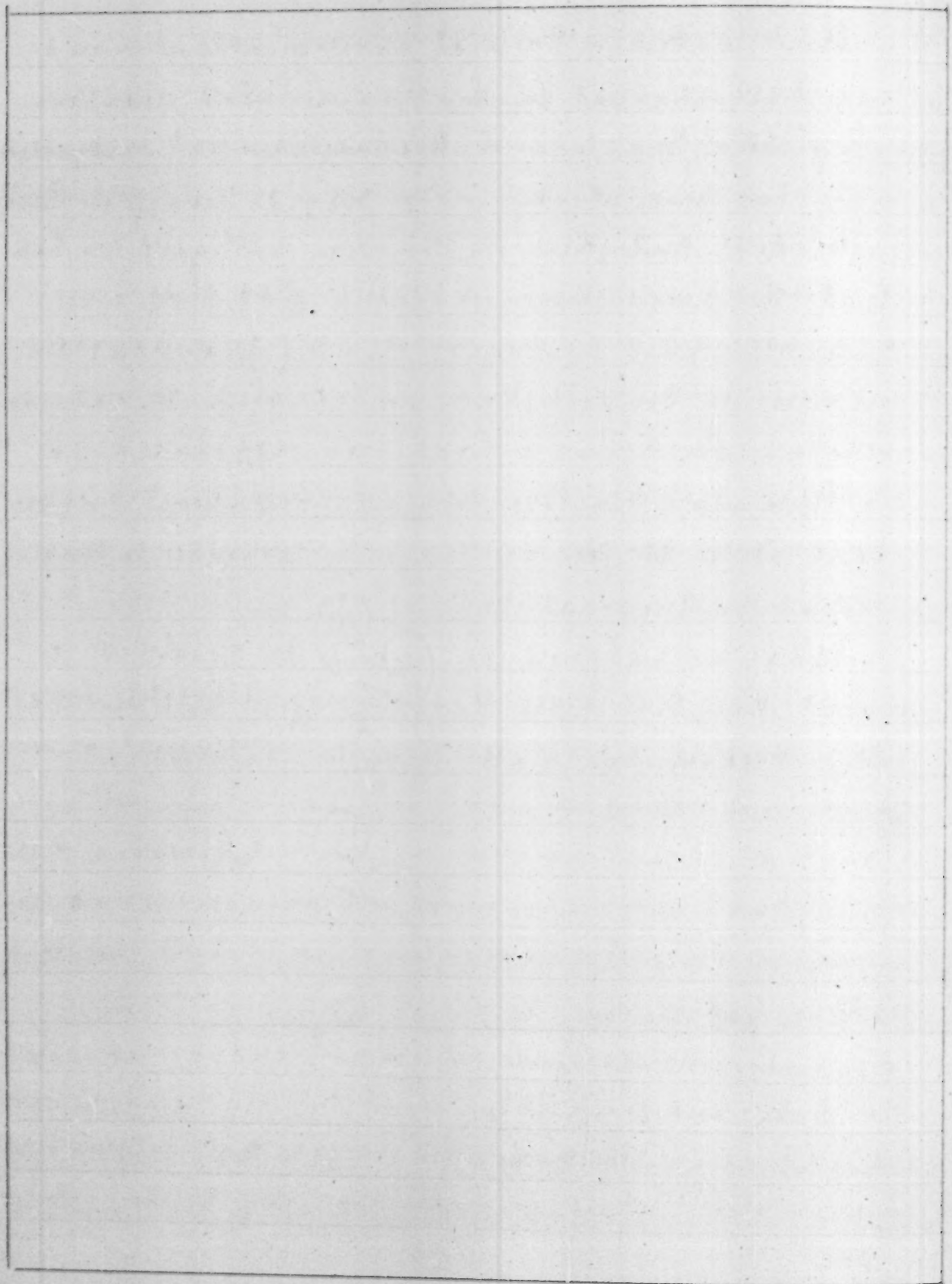
It is difficult at present to find out what Lands are escheated. but upon the best information I could receive, I do not find that the whole value of Escheated lands in that Province would amount to Five hundred Pounds Sterling. Therefore I humbly conceived that it might be for his Majesty's service to give up that sum to be applyed to the use of poor Foreigners when they come to settle there, Provided that a Clause is brought into the Rent Roll Bill to enable the Crown to recover escheated Lands for the future.

That it may be Enacted that all Grants that have been made out by his Majesty's Governours since the purchase of this Province by the Crown shall be confirmed. Provided no escheated Lands were included within any of the said Grants.

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The Planters in General were greatly alarmed at my first arrival in this Province. And upon comparing their Grants with His Majesty's 42d Instruction which has been always upon record, many of them apprehended that their Titles were not good in Law but at the same time insisted that they were not in the least accessary to any Fraud, as the Governour & Council had invited them to take up Lands on the Terms & Conditions contained in their Grants, therefore to quiet Possession, I apprehended it to be for His Majesty's service to Consent to the above Proposal.

That a suspending Clause be inserted to prevent this Bill from taking effect till His Majesty's Pleasure is made known thereupon.



B.P.R.O. So Carolina B.T. Vol. 11 G. 64.

(17 Nov. 1741.)

My Lords,

I beg leave to lay before your Lordps the Substance of an application made to me by six Masters of Vessels and forty seven Sailors, who are Prisoners at St Augustine, with the Opinion of His Majesty's Council relating thereto. There are in this Province and have been for some time a sufficient Number of Spanish Prisoners for whom His Majesty's Subjects who are Prisoners at St Augustine might be exchanged. But as His Majesty's Pleasure has not been signified to this Government directing the Exchange of Prisoners; I am in doubt how to govern myself, if the Governor of St Augustine should propose an Exchange which I expect he will be prevailed with to make, by the Intercession of the English who are Prisoners at St Augustine, and the Friends of those Spaniards who are Prisoners in this Province.

The Hardships and other Disadvantages that attend His Majesty's Subjects while they remain Prisoners, induce me to make this Application to your Lordships in their behalf, in hopes that by your Lordship's

favour

Favour and Intercession with His Majesty, such Directions may be obtained, as will impower the Governor of this Province to relieve these unhappy Sufferers, and any others who may hereafter meet with the same Misfortune from the many Hardships they are liable to suffer, and more especially in the present Season from Cold and Hunger

I am

Charles Town So Carolina. My Lords &c.
November 17th 1741 (Signed) Wm Bull

To the Right Honble
The Lords Commissioners
for Trade and Plantations

Recd Jan 18th
Read . 19th } 1741/2

B.P.R.O. So Carolina B.T. Vol 27 p. 41.

[26th Nov. 1741]

To Francis Fane Esqr

Sir.

I am commanded by my Lords Commissioners for Trade and Plantations to send you the two and twenty inclosed Acts passed at South Carolina in 1738, 1739, 1740 & 1741 and to desire your Opinion thereon in point of Law. I am likewise commanded to desire your Report upon the Act of the said Province sent you the 4th instant for regulating the Buildings hereafter to be erected or built in Charles Town &c as soon as conveniently may be, the Board designing to take the first opportunity of laying that Act before His Majesty after they have received your Report. I am

Sir

your most Humble Servant

J. Hill.

Whitehall
Novr 26th 1741

Ca

An Act to prevent Frauds and Deceits in Selling Rice, Pitch, Tar, Rosin, Turpentine, Beef, Shingles and Firewood.

An Act for the immediate building up a Curtain line, before Charles Town Bay & piling in the Front Lots on Ashley River and from White Point to Vanderost's Creek.

An Act for the better preventing the spreading of the infection of the Small Pox in Charles Town.

An Act for the further Security and better defence of this Province.

An additional and explanatory Act to an Act for the better regulating the Militia of this Province.

An Act for preserving peace and continuing a good Correspondence with the Indians who are in Friendship with the Goverament of So Carolina, and for regulating the Trade with the said Indians.

An Additional & explanatory Act to an Act for the Entry of Vessels.

An Act to prevent & restrain the Purchasing of Lands from Indians.

An Act for establishing a Ferry over the River Savanna near the Pallachuckellas on the Land of the Honble James Oglethorpe & for vesting the same in

in the said Genl James Oglethorpe his Heirs and Assigns for the Space of fourteen years.

An Act for the better strengthening of this Province by granting to His Majesty certain Taxes & Impositions on the Purchasers of Negroes Imported & for appropriating the same to the Uses therein mentioned, & for granting to His Majesty a Duty & Imposition on Liquors & other Goods & Merchandizes for the use of the Publick of this Province

An Act for making more usefull Fort Johnson & Fort Frederick & the several Look-outs that now are or shall hereafter be kept or established near any of the Inlets of this Province

An Act for the better establishing and regulating of Patrols

An Act to encourage the better settling & Improvement of Beaufort Town Port Royal Island in Greenville County.

An Act to enable the publick Treasurer of this Province to issue the Sum of £15,000 Currency out of any Funds now lying in the hands of the said Treasurer in lieu of a Loan of £5000 Sterling which certain Commissr are enabled to borrow &c &c

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An Act to appoint Persons to serve in Juries pursuant to the Directions of an Act of the Genl Assembly passed 20th day of August 1731, entituled An Act confirming & establishing the ancient and approved Method of drawing Juries by Ballot &c. &c.

An Act concerning Masters and Apprentices.

An Act for granting to His Majty the Sum of £ 144,932.17.4½ for defraying the Charges of the Government for one year commencing the 25th day of March in the Year of Our Lord 1740 inclusive & ending 25th day of March 1741 exclusive.

An Act for vesting the Ferry over Ashley River in Elizr Bellinger Widow Her Executors, Administrators & assigns for a Term of years therein mentioned.

An Act to enable certain Commissioners therein named to borrow and take up on Loan a Sum not exceeding £ 2000 Stg & to enable certain other Commissioners therein named to Stamp & Sign certain Orders to the amount of £ 25,000 Current Money of this Province for defraying the Expences of certain Succours & Forces to assist Genl Oglethorpe &c.

An Act to appoint Commissioners to Lay out

out a Road from the corner of Capt: Thomas Johnsons Plantation Fence Northwards to Steads Creek &c.

An Act for the further Security of His Majestys Province of So Carolina by encouraging Protestants to become Settlers therein.

An Additional & explanatory Act to an Act entituled An Act to impower the several Commissioners of the High Roads, Private Paths, Bridges &c. &c. to alter and lay out the same for the more direct & better Convenience of the Inhabitants thereof.

B.P.R.O. So Carolina B.T. Vol 11 G.82.

(15 Dec. 1741.)

May it please your Lordships.

The Duty I owe to His most sacred Majesty, the great veneration and respect which I have ever preserved for the dignity and Authority of the British Parliament, and an inviolable attachment to the Laws and Constitution of my native Country, are the only apology I can make for presuming to trouble your Lordships with the Proceedings which I have now the Honour to lay before you.

My Lords,

When the Act passed the last sessions of Parliament, for restraining unwarrantable Schemes and undertakings in America, came to be known in this Province, I found it treated, by some Persons, as an act of great severity; that it had a retrospection for six years, and was made ex post facto. As this became too much the subject of common conversation, I was apprehensive it might have a bad influence on the minds of the People, if an Act of the British Parliament should be treated slightly, or with any sort of indignity or contempt - As a Public Magistrate therefore I took the first opportunity that offered and endeavoured, to the

the best of my capacity, to rectify the minds of the People and to settle in them a just sense of the duty they owe to their Sovereign, of their dependance on their Mother Country, and of the veneration, as well as obedience which they ought to have for the Laws of Great Britain. In such an attempt I was persuaded I should meet with the approbation of all honest and disinterested men amongst us. Whatever Libertys, some people thought they might take in Private conversation. I did not in the least suspect or imagine that any Person in the Province would be so rash as to behave in the manner described in the Proceedings, laid before your Lordships and afterwards to acknowledge and avow such behaviour, much less reason could I have to expect it from a Gentleman, who had long attended our Courts of Justice, had lately been Speaker of the Assembly, and has now the Honour to be appointed a Member of His Majesty's Council, who on that as well as many other accounts, is under more particular obligations to use his endeavours, to support every part of the administration of His Majestys Government in this Province.

I am very sensible, that I have no occasion to represent to your Lordships, the bad consequence of such popular

popular attempts, and as I have nothing in view but according to the duty of my station, to use my best endeavours to support His Majesty's Authority in his Courts of Justice in this remote part of his dominions, so I shall humbly beg leave to submit this Proceeding in all its Circumstances, to your Lordship's consideration, with this only remark, that although it may appear to your Lordships that a large Circuit has been taken in this Proceeding; and the Defendant has been indulged with great Liberty in making his defence, the affair was not solely under my direction; I have but a single voice in the Courts, where I have the honour to preside, and therefore the opinions of the Assistant Judges may often prevail against mine, and although they may be men of worth and integrity, and the fittest persons that can be found in this Province to fill the Stations they are in, yet as they have not been educated in the learning of the Law, greater pains must be taken to render things obvious to their understandings, than if they were more conversant with that service, which I hope will be some excuse for the prolixity which may often appear to Your Lordships in the Proceedings of some of the American Courts. For my own part I am conscious that I have little pretensions to accuracy

or

or perfection but if my sincere endeavours faithfully to serve His Majesty and to discharge the trust reposed in me with integrity shall meet with your Lordship's approbation I cannot fail of meeting such countenance and protection as may be necessary to support an Officer under the Crown against popular attempts and encourage him chearfully to persevere in his Duty.

I am with the greatest respect

My Lords

your Lordships most obedient and most humble Servant

Benja. Whitaker.

South Carolina
15th December 1741.

Recd Augt .. 1742.
Augt 18th laid before the Board.

(Enclosure.)

An act. (dated 20 Augt 1731.)

Confirming and Establishing the Ancient approved method of drawing juries by Ballot in this Province and for the better Administration of Justice in Criminal Causes and for Appointing of Special Courts for the trial of the Causes of Transient Persons, declaring the Power of the Provost Marshal for allowing the Proof of Deeds beyond the Seas as Evidence, and for repealing the several Acts of the General Assembly therein mentioned. - x x

(Here follows the text of Para. 30 & 31 of the above Act which it has not been thought necessary to copy.)

B.P.R.O. So Carolina B.T. Vol. 11 G. 83.

(15 Dec. 1741.)

(Recd with Chief Justice Whitaker's Letter dated 15th Dec 1741)

At a Court of General Sessions of the Peace Oyer and Terminer Assize and General Goal Delivery holden at Charles Town on the Twenty first day of October anno Dom 1741. Present the Chief Justice, Mr Justice Lamboll Mr Justice Yonge, Mr Justice Bull, Mr Justice Austin Mr Justice Dale.

The Chief Justice in his Charge to the Grand Jury for the Body of the whole Province (amongst other things) treating of such Offences as are more immediately against the King and for which the offenders are liable to the Pains and Penalties of the Statute of Præmunire took notice of the Statute 6 Geo: 1 Cap. 18, and an Act passed the last Sessions of Parliament intituled an Act for restraining and preventing several unwarrantable schemes and undertakings in several of his Majesties Colonies & Plantations in America, and having given an Account at Large of the undertakings which had been carried on in this Province contrary to the said Acts, directed the Grand Jury "That if they should find that any Person or persons "had acted in any sort directly or indirectly in any matter

matter or thing described by the said Acts since the 29th of September last it was their indispensable duty, by virtue of the Oath they had taken to present them".

As soon as the Chief Justice had finished his Charge and the Grand Jury sat attending in Court on other Business Charles Pinckney Esqr one of the Attornies of the Courts here, rose up and said, That as an English Man and a Member of the Court he desired to be heard, he said he was one of those persons who had signed the Notes which had been issued by one of the Banks which had been set up in this Province and that he thought his reputation affected & that it was an Extraordinary proceeding in the Chief Justice to direct the Jury to present Offences against an Act which had not been publickly signified to this Government, that indeed he had seen a little Book said to be printed by one Basket who called himself the Kings Printer, but that he did not understand how the People of America could be bound by an Act made ex post facto, which they knew nothing of & which had not been signified to them by any Publick authority and that it had been adjudged that the Statutes of

England

England did not extend to America unless expressly named.

It is observable that when Mr Pinckney addressed himself to the Court no presentment was made or any Prosecution whatsoever depending in the Court against Mr Pinckney or any other Person whatsoever for whom he cou'd be concerned as an Attorney, and therefore what he said must be wholly applied to the Charge given by the Chief Justice. The Chief Justice conceiving himself obliged to support and maintain his Majesty's Authority in his Courts of Justice, and that he ought not to suffer the Authority of an Act of Parliament of Great Britain to be impeached or treated with any sort of Indignity in the Kings Courts desires the advice & Opinion of the Assistant Justices upon this matter, first acquainting them that altho' he does not apprehend that he is under any manner of necessity on any Occasion to give a particular account how he comes by the Notice of a British Act of Parliament; Nevertheless for the satisfaction of the Gentlemen who are appointed to assist him in this Court, he is very willing to let them know that the Act of Parliament which passed in the last Sessions of the last Parliament printed by the Kings

Printer

Printer was seen by the Chief Justice in the Council Chamber, and that it was openly read before the Honble the Lieutenant Governour sitting in Council in the presence and hearing of the Chief Justice, and therefore he thought himself under the strictest obligation not only to take notice of it, but that he was bound in duty and Justice particularly to inform himself of the contents and on the first proper Occasion publickly to give it in charge that no unwary Person in any part of the Province by issueing the Notes described in the Acts of Parliament might be in danger of incurring the Penalties inflicted by the said Acts. October the 22nd 1741. The Assistant Justices gave their Opinion as follows,- It is our unanimous Opinion, that Mr Pinckneys taking upon — him, to make remarks in Court on that part of the Chief Justices Charge to the Grand Jury relating to the late Private Banks, was irregular and unprecedented, and an Indignity offered to this Court

Thos Dale
Thos. Lamboll
Robt Yonge
Robt Austin
Wm Bull Junr
} Assistant Justices.

October

October the 23d 1741. Present the Chief Justice, Mr Justice Dale, Mr Justice Austin, Mr Justice Lamboll, Mr Justice Bull, Mr Justice Yonge.

The Assistant Judges (having conferd together) subscribed their unanimous Opinion: That Mr Pinckney taking upon him, to make remarks in Court on that part of the Chief Justices Charge to the Grand Jury, relating to the late private Banks was irregular and unprecedented and an indignity offered to this Court, and delivered the same to the Chief Justice, who di-rected the Clerk of the Crown to read it in the Presence of the Grand Jury, and after it had been read, to give a copy thereof to Mr Pinckney, who was then absent, but soon after coming into Court he read over the Case and Opinion which the Assistant Judges had subscribed and desired that he might have time till three of the Clock in the Afternoon, which was accordingly granted by the Court, About the Hours of five or Six in the afternoon of the same day the Grand Jury finished all their business and delivered their General Presentments into Court, when the Chief Justice acquainted the Assistant Judges, that he would not discharge the Grand Jury from their Attendance without their Consent, as Mr Pinckney had not yet

been

been heard, at the same time acquainting the Assistant Judges that Mr Pinckney was to make his Defence before the Court, and that the Grand Jury, as they had finished their Business had no concern with it, upon which the Assistant Judges were of Opinion they shou'd be discharged, but the Foreman acquainting the Court, that the Grand Jury were willing to stay, the Chief Justice said he wou'd not discharge them untill Mr Pinckney had been heard, who soon after came into Court and proceeded to make his Defence, and insisted, that he conceived he had a right to make his remarks on the Chief Justices Charge as he apprehended his Character was affected by it and that it was the undoubted right of every Englishman to vindicate and defend himself when he thought he was accused.

That the Assistant Judges by the Opinion they had given, had prejudged him without hearing, that the words which the Chief Justice had laid before them were either misunderstood or misrepresented, And that if he was to be prosecuted Twenty years hence, when the Assistant Judges were in their Graves and cou'd not explain themselves, the present record might be given in evidence in order to convict him of an

Offence

offence against the Acts of Parliament given in Charge & make him incur a præmunire.

That by any thing he had said, it could never be supposed that he should question the Power of an English Act of Parliament to bind America, that he was born in this Country, and had ever testified the greatest duty and loyalty to His Majesty, that he had Acted in several Stations of Considerable importance to this Province, & that if he might be allowed to know any thing of the Laws and Constitution of England or of this Province he had always maintained that English Statutes, wherein the Plantations were expressly named, or which by their intent or purview were designed to operate in the Plantations were binding on the People of America, who ought at all times to give due obedience to such Acts whenever the British Parliament should make any Act for that purpose and that in some Cases where there had been Occasion, he had given such Opinions under his hand.

That he was one of the Justices named in the Commission of the Peace, and as such, a member of this Court, and had a Right to sit here as a Judge with his hat on, and to give his Opinion upon any Matter to the Grand Jury, as well as any other

Judge

judge of this Court, but that if he was mistaken in his Authority, he could not be guilty of a Contempt or indignity to the Court but only of a Mistake in Judgement for which he ought not to be censured.

That if he had no right to speak as a Magistrate, he might do it as Amicus Curiæ, as he had long attended at the Bar in all the Courts in this Province, & must be presumed to have some knowledge in the Law, and that when the Court happen to be under any error or mistake, to assist the Court and set them right as Amicus Curiæ, rather deserved thanks than any blame.

The Chief Justice upon what had been alledged by Mr Pinckney, observed, that the Charge which he had given to the Grand Jury, had been prepared upon Mature Deliberation at his Coolest and most Considerate hours, That he was not conscious of having said or done anything, but what was consistent with the duty of his Office That he had given a just and faithfull account of the Private Banks that had been undertaken & carried on in this Province, and the observations which he had made upon them were nothing more than what naturally flowed from the Nature and

tendency

tendency of those transactions, and that he had not charged the Offences which he apprehended were evils of themselves, & for the restraining of which the British Acts of Parliament had inflicted suitable & adequate Punishments, upon any particular Person or Persons, but as a Publick Magistrate, who had a considerable share in the Administration of Justice and whose Duty it was, endeavoured to advertise the Publick of the Injuries which he apprehended they had, and consequently might receive if these undertakings were persisted in after the 29th September 1741 And in this he conceived he had discharged his Duty to his King and Country, as well as the obligations to his own Conscience, but that as he had been attacked in so extraordinary a manner, he should be obliged to publish the Charge and to make a just representation of the whole proceedings to his most sacred Majesty, where he was sure of meeting with a most impartial Judgement.

That he had been cautious of doing Mr Pinkney any injustice with regard to what he had said or represented. That as the Matter happened under the immediate Eye & observation of the Court, he first shewed

shewd what he had penned down to His Majesty's Attorney General, & the Clerk of the Crown, who were both present in Court, & allowed that what the Chief Justice had wrote was the substance and meaning of Mr Pinckneys words, the Chief Justice then laid it before the Assistant Judges, & referred the Case wholly to their own consideration, with this only request, that before they entered into the Merits, they would seriously recollect what had passed in Court, & that if, thro' defect of Memory or misapprehension there was the least mistake or misrepresentation of what Mr Pinckney had said, that they would alter or amend what had been wrote down by the Chief Justice.

The Chief Justice then proceeded and told Mr Pinckney he had always had a good Opinion of his candour and Sincerity & desired him seriously and ingenuously to declare whether he himself was of Opinion that the record of the Opinion of the Assistant Judges on this Case could upon any future prosecution on the Acts of Parliament mentioned in the Charge, be given in Evidence so as to make him liable to a Praemunire? he answered it might influence the case.

As to Mr Pinckney's Pretensions to sit in this

Court

Court as a Judge, having been appointed a Justice of the Peace, the Chief Justice treated it as an odd conceit, since this Court is erected & established by an act of the General Assembly & is to be holden before the Chief Justice for the time being and one or more Assistant Judges, to be commissioned by His Majesty his Heirs or Successors or the Governour or Commander in Chief of this Province for the time being who in all Causes Capital and Criminal arising within this Province, are to exercise the like powers & Jurisdictions as the Justices of the Court of Kings Bench Justices of Assize Oyer & Terminer or Goal Delivery or any Court of General or Quarter Sessions, And Mr Pinckney was asked, if any Man in England, tho' of much superior figure than Mr Pinckney could pretend to be, should take it into his head that he had Authority to sit as a Judge in any of the Courts in Westminster Hall & was to mount the Bench accordingly, what treatment he thinks such a person would receive? and whether it would be a sufficient excuse to say he had mistaken his Authority. The Chief Justice then acquainted Mr Pinckney that as what he had now urged in his Defence might be forgot vox audita perit, he should have a further

day

day given him to put in his answer or defence in writing, and as the Court were inclined to proceed with all imaginable fairness and equity towards him, he had a Day given to the 29th of this Instant October that he might before that Day have full time to deliberate & reflect on the nature of his Case. When he shall put in such written defence the Court will consider & give their Opinion upon the whole proceeding & therefore adjourned to Thursday the 29th of this Instant October.

October 29th 1741. Present the Chief Justice Mr Justice Lamboll, Mr Justice Bull, Mr Justice Austin, Mr Justice Dale. Mr Pinckney came into Court and having objected to the state of the Case given in by the Chief Justice as above to the assistant Justices gave in his own state of the Case as by him expressed in the following words (to wit)

The Chief Justice having finished his Charge after some pause Charles Pinckney Esqr one of the Attorneys of the Court here arose and addressing himself to the Court, spoke to the following purpose, May it please your Honours, as an Englishman & a Member of this Court I beg leave to be spared a few words, (which being granted) he said I think myself much

obliged

obliged to your Honour for your learned Charge just now delivered to the Grand Jury, but as Reputation and Character are or ought to be dear to every Man and as I think mine very materially affected by some reflections contained in your Charge, I hope it will not be thought amiss if I now take notice of them, that as the Charge has been a public so what I now say, may be as public, your Honour has observed that several Gentlemen in this Province have entered into a scheme of issueing notes, & that under the Specious pretence of relieving the People from the Oppressions of usurers who were reported to take 20 ℘ Cent for the Loan of money, themselves took 40 or 50 ℘ Cent from the People, for little more than barely signing their Names, & that for the sake of Private lucre & advantage they had carried on their Schemes which had lessened the Value of the legal Currency, raised the price of Commodities, & proved injurious to the People of the Province in General. These are Charges of a very Criminal Nature & which I think I can fairly acquit myself of to my own Conscience, I own I am one of those Persons concern'd in the last Bank mentioned by your Honour my Name is to many of the Notes issued by that Bank

but

but when I engaged in it I was far from thinking I was doing anything worse than a humane and usefull act, beneficial to some People and not injurious to any, as to its being prejudicial to any Person, I have never yet apprehended that it was so, and am sure no such thing was ever intended by myself (or as I believe) by any of the Gentlemen concerned with me, that these two Banks have been beneficial to many Persons I am very certain, since several People I can now name who were borrowers from the usurers and paid 15, 17½ & 20 ℔ cent ℔ annum, afterwards borrowed from these Banks at the Legal Interest of 10 ℔ cent and with the moneys so borrowed from the Banks paid off their Debts to the usurers, which therefore was a real benefit & advantage to those People of so much ℔ cent as was the difference between 10, & 15, 17½ or 20 ℔ cent, these are Facts within my own knowledge & also within the knowledge of many people now living, and why they should now be represented in such odious colours by your Honour I am at loss to know, and how an Act which was so beneficial to many people of this Province & not injurious to any that I have ever heard of can justly be termed malum ins[illegible] and punishable

at

at the Common Law I am yet to learn, As to the Act which your Honour says was passed the last Sessions of Parliament and was made expressly to extend to America, & to declare the persons who shall continue any of the Practices therein declared to be illegal after the 29th of September last to be within the Statute of Præmunire, I am far from saying that it does not extend to this Province. for my own Opinion & practice as well as those of the Gentlemen with whom I have been concerned in regard to the Notes, has been quite otherwise, we having on the first notice, which was merely a Private one, paid a full & due obedience to it, but how the Jury can take such Notice of it so as to found any Presentment thereupon is what seems to require your Honour's further Explanation, as it has not hitherto been signified by any public Authority to this Government, it is true indeed I have seen a little stitched Book said to be printed by one Baskett who calls himself the King's Printer and purporting to be an Act of Parliament but how the matter in that Act made ex post facto and not signified by any Public Authority to this Government can be taken Notice of by that Jury, I hope your Honour will further explain to them, and

es

as to the Statute of the 6th of Geo: 1st mentioned in the Charge I should be glad of your Honour's more particular directions to the Jury how it can be said to operate in this Province as it is an adjudged Case, that English Acts of Parliament unless by the express words or plain purview of them they are extended to America, do not bind there, and as ... there are no such words or purview in that Act I conceive it cannot be extended to America, Otherwise than by some subsequent Act, which has not hitherto appeared from any Public Authority - As I conceive my reputation in particular is very much affected by this Charge, I hope I am excusable in having taken this Public Notice of it

Chs Pinckney Oct 29. 1741.

The whole matter being submitted to the Consideration of the Court, they tooke time to advise thereupon and deliver their Opinions to the day appointed by Law for the next sitting of this Court being Monday the Ninth day of November next to which day this Court is adjourned.

At a Conference of the Justices of this Court the Chief Justice expressed his satisfaction that Mr Pinckney by his Defence delivered in writing had endeavoured

endeavoured to extenuate the charge of having offered an Indignity to the Court and said that if he was to be guided by inclination or affection, or, consistent with his duty, cou'd overlook what had passed. Mr Pinckney might probably have been one of the last Persons in the Province, that he should have taken notice of. tho' the Courts have much more reason to expect a decent and regular behaviour from Gentlemen of experience who constantly attend them than from others, but if the Conduct of the Gentlemen of the Law passes without Observation, others may be encouraged to take much greater Liberties, that this Matter therefore might be more fully examined he has acquiesced in this proceeding being drawn out to so uncommon a length, and as his Sole Aim is to maintain the King's Authority & the Dignity of his Courts of Justice here he shall pass over Mr Pinckneys Defence with the few following remarks.

1st – That Mr Pinckney has indiscriminately bleaded one part of the Chief Justices Charge concerning the Private Banks with the other, whereas the Chief Justice has taken Notice of two separate Banks erected at different times, to which he had applied distinct Observations, and remarks.

2ndly

2dly. That no great stress can be laid on what is said concerning £20 p Cent being taken usurers because that is a fact of so odious and Criminal a Nature, that it ought not to gain Credit in a Court of Justice, or anywhere else without Legal proof, and it cannot be presumed but that every honest and Public spirited Man who of his own knowledge was satisfied that such enormous Crimes had been committed, at the time of erecting of either of the private Banks, would have caused the Offenders to be prosecuted for so great an oppression, of the People, or at least might cause him to be now prosecuted, since the Act against Usury is in full force and Nullum tempus occurrit Regi.

3dly That the Persons who have been concerned in the Banks ought not to claim too much merit on their having given a full and due obedience to the late Act of Parliament, because such Obedience can hardly be esteemed a mere voluntary act, but may be rather looked upon to proceed from the Coertion of the Law, to save themselves from incurring a Præmunire, an Acknowledgement of their Error and the restitution of the profit made by an undertaking which Parliament had deemed unlawful, would represent them in a much

fairer

fairer light. Upon the whole the following Questions seem naturally to arise, and be proper for the consideration and Opinion of the Court.

First. Whether in the case of a Contempt, or Indignity offer'd under the immediate view and observation of the Court, the Court may not Record the Offence, and Commit the Offender or in case the Court are inclined to proceed with greater Lenity, whether they may not make a rule to shew cause why an Attachment should not be granted? and whether before the Court, either Commit the Offender or give a rule to shew Cause they must not be previously satisfied or determined within themselves that the matter recorded is an Offence? Because if the Matter recorded be not a Contempt or indignity to the Court there can be no cause either for committing the Party or granting a rule against him.

2nd Whether it is not the Constant practice in all Courts of Record and more especially in the Court of Kings Bench in the case of Contempts either to Commit the Offender grant an Attachment, or a rule to shew Cause, as the Court upon considering the Nature of the case shall in their Discretion think fit, before the Party in Contempt is called to answer or can be

examined

examined concerning the Contempt?

3rd Whether in the Present Case Mr Pinckneys making remarks on the Chief Justices Charge in Court, and before the Grand Jury, of itself, and without entering into the Consideration of what was the Subject of those Remarks, was a Contempt or indignity offer'd to the Court? because if such Remarks are allowed to be made by any Perion whatsoever, except the Judges on the Bench, on future Occasions any Person who thinks himself obnoxious to a Criminal Prosecution, for an Offence of ever so enormous a Nature, by himself, his Friends, Confederates, or Maintainers under Colour of vindicating Reputations or being a Friend to the Court, and desirous to rectify their Mistakes, may, by an Artful Popular Harange made in Court in the Presence of a Grand Jury, so influence them that the Greatest crimes may sometimes escape punishment, and the Grand Juror's Oath, to keep the Kings Council secret, may be rendered of little Effect.

4. Whether the Substance and true meaning of what Mr Pinckney said or represented when he made his remarks on the Chief Justice's Charge has been misrepresented

5. Whether the Justices of the Peace by Virtue of their

Commission

commission have a Right to sit as Judges in a Court established by act of Assembly to be held by the Chief Justice and two or more Assistant Judges with the like Power and Jurisdiction as the Justices of the Court of Kings Bench, Justices of Oyer and Terminer and Goal Delivery or any Court of General or Quarter Sessions in Great Britain.

6. Whether if every Justice of the Peace had a Right to sit in the Court of Kings Bench it would not appear to be the greatest absurdity and whether there would not be a manifest failure of Justice? The Court of King's Bench correct reform and punish the Judges of Inferior Courts, and all other Subordinate Magistrates when they act unjustly, irregularly or oppressively but if the Justices of the Peace sit as Judges in the King's Bench how shall the King administer or the Subject obtain relief against them?

It may not be improper for the Court to bestow a single remark on what was said by a learned Gentleman who spoke on the same side and in support of the right of the Justices of the Peace to sit as Judges in this Court. He was at the Pains to inform us, that the Courts of Westminster Hall did not consist of the Walls, which enclosed them, and that a Church did not consist of

the

the materials that composed the Building, and he thought fit further to observe that the Kingdom did not erect Courts, but granted Commissions to Judges of Courts in being, how well this supported his Argument may be left to him to consider, but he could not reasonably imagine that the Court was at a loss to know that a Court and a Church as well as a Corporation or Colledge for Justice or Learning were Entia rationis Moral Entities, that they owe their essential Qualities to the Policy of the Law, but their Creation and Authority to the King or the Legislative Power, and that they are founded Constituted and erected; And that 'tis a Question which will admit of no dispute, that the King may erect Courts in America, with such Powers as are agreeable to Law, and may appoint Judges to Execute those Powers, at least when Gentlemen think fit to argue in the King's Courts concerning matters which relate to the Prerogative they should do it seriously & with proper decency and respect.

November the 10th 1741. The Assistant Justices having conferred together again, now delivered into Court their Opinion in explanation of that which they gave the 22d October last as follows. —

The Opinion we gave of the 22nd October last in relation

relation to Mr Pinckney's behaviour in Court, and taking upon himself (immediately upon the Chief Justice's having delivered his Charge to the Grand Jury) to make a Speech, containing Remarks on the said Charge, in Derogation thereof, was intended by us, only to testify our disapprobation of that Action of Mr Pinckneys, which we have adjudged to be a Contempt of the Court; as Mr Pinckney was no Judge of the same and his Speech tended to invalidate part of what the Chief Justice had then given in Charge to the Grand Jury. But we do hereby further declare that by such Our Opinion we did not mean either to attest the certainty of the words of the Speech, as wrote down on that Paper above Ours; or to shew our Concurrence with the said Charge, the contents of which were unknown to us, till delivered in Court.

November 10th 1741.

Thos Dale
Thos. Lamboll
Robt Yonge
Robt Austin
Wm Bull junr

} assistant Justices

The Court are of Opinion that Mr Pinckney is guilty of a Contempt in making a Reply to the Chief Justice's Charge to the Grand Jury and was fined Twenty Shillings

Proclamation

Proclamation Money.

After Judgement had been given as above, the Assistant Justices directed that the Defence signed by Mr Pinckney on the 29th October 1741. should be entered in the Proceedings immediately after the Opinion of the Assistant Justices on the 22nd October 1741.

The foregoing Eight sheets are a true copy of the Proceedings in the Cause the King against Charles Pinckney Esqr entered in the Book containing the Proceedings in the Court of General Sessions in the Province of South Carolina remaining of Record in my Office Certified by me this 15th December 1741.

J. Wedderburn
Clerk of the Crown & Peace

525

B.P.R.O. So Carolina B.T. Vol 11 G 84.

(Enclosure to Mr Whitakers letter 15th Dec. 1741)

At a Court of General Sessions of the Peace, Oyer and Terminer, Assize and General Goal Delivery, holden at Charles Town, in the Province of South Carolina on the first day of October 1741.

The
Chief Justice's
Charge
to the
Grand Jury
For the Body of this Province {South Carolina

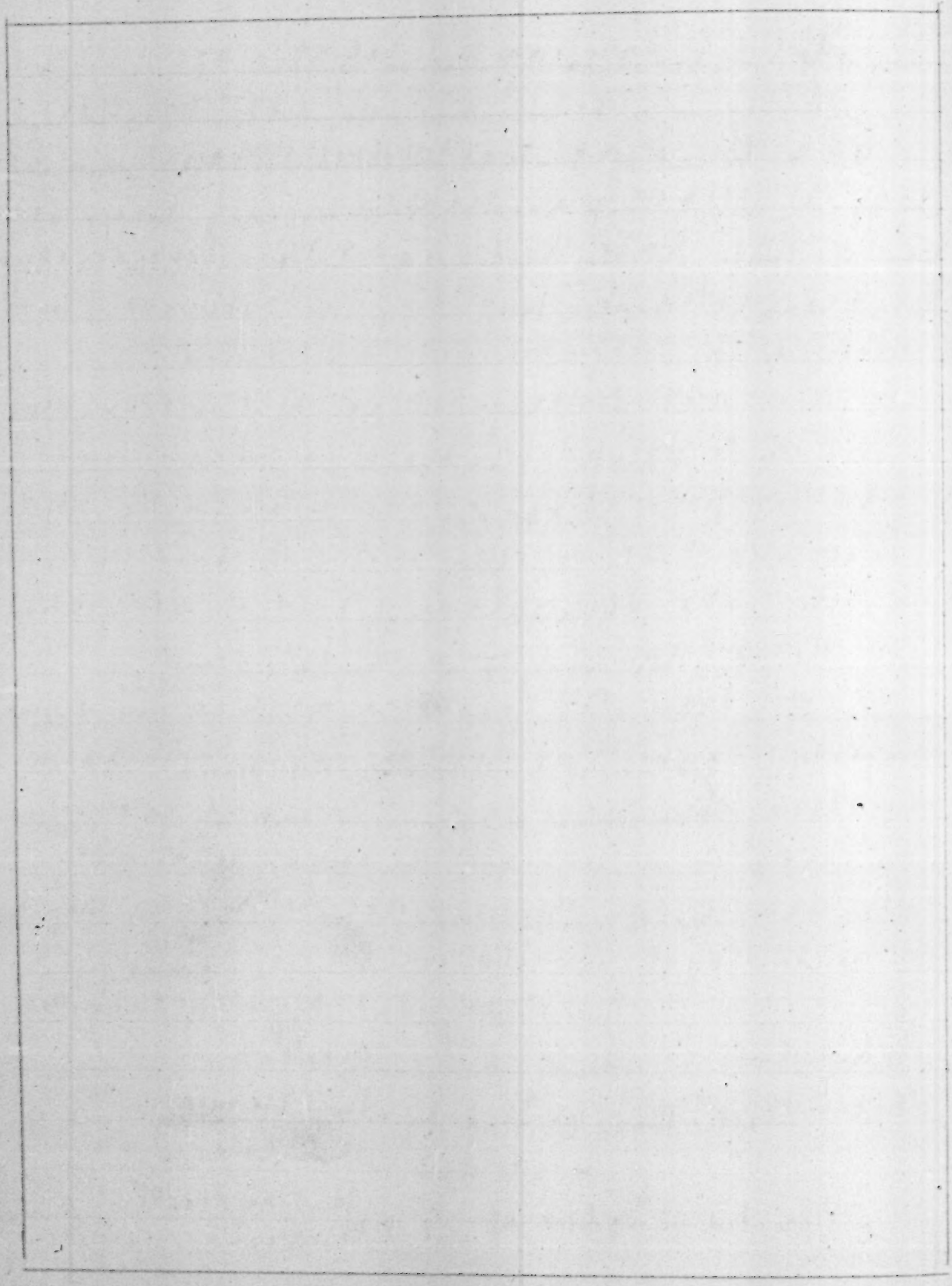
Justum et tenacem propositi virum
Non civium ardor prava jubentium

— — — — — —

Mente quatit solida — — —

Horat.

South Carolina
Charles Town, printed by Peter Timothy
M, DCC, XLI.
(Printed Pamphlet of 39 pp.)



B.P.R.O. So Carolina B.T. vol 27. p 47.

(23rd Dec. 1741)

To the Kings most Excellt Majesty

May it please your Majesty

We have had under Our consideration An Act passed in your Majestys Province of South Carolina in December 1740, Entituled

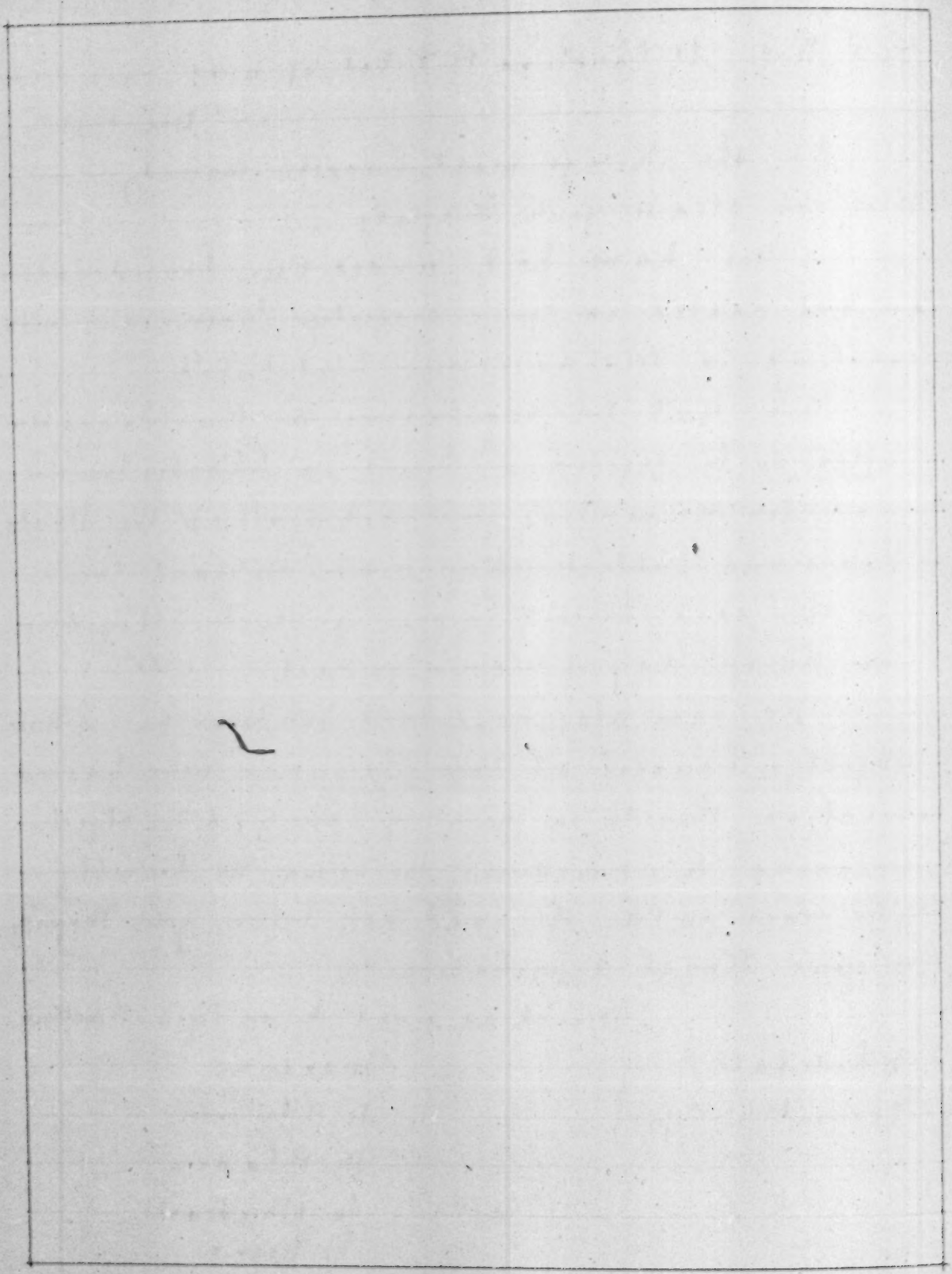
"An Act for regulating the Buildings hereafter to be erected or built in Charles Town and for preventing encroachments on the Streets Lanes and Publicke Alleys within the said Town, as the said Streets, Lanes & publicke Alleys stood on the 17th day of November last."

We have also consulted Mr Fane one of Your Majestys Council at Law thereupon who has no objection thereto in point of Law; and no objection appearing to us against the same, We humbly take leave to lay the said Act before your Majesty for your Royal approbation.

Which is most humbly submitted

Whitehall
Decembr 23rd 1741

Monson
R. Plumer
M. Bladen
Ja Brudenell
B. Keene.



1742

B P R O Journals B T Vol 51

Whitehall 15th January 1702

At a Meeting of His Majestys Commrs for Trade & Plantations

Present

Lord Monson

Colo Bladen. Mr Brudenell. Mr Plumer.

The Petition of Wm Livingston Esq and his Associates (mention'd in the Minutes of Augst 11th and Octob 29th 1741) was read and Mr James Home their Agent attending, he was called in, and the Board after some discourse had with him, finding his answer to their Querys not Satisfactory, the further consideration of the said Petition was postponed to another opportunity.

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19th January 1742

Read a Letter from Colo Bull, Presdt of the Council and Commander in Chief of South Carolina, dated November 17th 1741 inclosing the Substance of an Application made to him by Six Masters of Ships and 47 Sailors, now Prisoners at St Augustine, concerning an Exchange to be made against so many Spaniards Prisoners in So Carolina.

Orderd that a Copy of the said Letter and of the Order of the Council of South Carolina thereto annexed be

ordered by the Minutes of the 28th of last Month, having be prepared, was laid before the Board, agreed to transcribed and Sign'd.

* * * * * * * * *

11th May 1742

Read two Letters from Wm Hamerton Secretary of South Carolina, both dated Charles Town Febry 13th 1741/2 one to the Board inclosing a List of Persons who have taken the benefit of the late Act of Parliament for Naturalizing foreign Protestants settled in America. The other to the Secretary of this Board transmitting the following Publick Papers viz.t

Laws of the Province of South Carolina, collected in two Volumes, by Nicks Trott LLD Printed at Charles Town Anno 1736

Journal of the Commons House of Assembly, from the 6th of Novr 1739 to the 10th May 1740

* * * * * * * * *

16th June 1742

The Secretary laid before the Board the Eight following Copies of Orders in Council transmitted from the Council office the 1st Instant; and the Titles of the same were read viz.t

* * * * * * * * *

Order

be sent to His Grace the Duke of Newcastle to be laid before His Majesty for his pleasure thereupon.

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20th January 1742

The Draught of a Letter to His Grace the Duke of Newcastle, for transmitting a Copy of one from Colo Bull, Commander in Chief of South Carolina, as mentioned in Yesterdays Minutes, was agreed to, transcribed & Sign'd.

\+ + + + + + + + + +

28th January 1742

Mr Home, Agent for Wm Livingston Esqr and his Associates, attending with James Glen Esqr Govr of South Carolina, laid before the Board a new Petition for a Tract of Land proposed to be Settled by them in South Carolina, and the same having been taken into Consideration, the Draught of a Report to the Lords of the Committee of Council thereupon, was ordered to be prepared.

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2nd February 1742

The Draught of a Report to the Lords of the Committee of Council upon the Petition of Mr Livingston and his Associates for a Tract of Land in South Carolina

ordered

ordered by the Minutes of the 25th of last Month, having be prepared, was laid before the Board, agreed to transcribed and Sign'd.

* * * * * * * *

11th May 1742

Read two Letters from Mr Hamerton Secretary of South Carolina, both dated Charles Town Febry 18th 1741/2 one to the Board inclosing a List of Persons who have taken the benefit of the late Act of Parliament for Naturalizing foreign Protestants settled in America. The other to the Secretary of this Board transmitting the following Publick Papers viz.t

Laws of the Province of South Carolina, Collected in two Volumes, by Nicks Trott LLD Printed at Charles Town Anno 1736

Journal of the Commons House of Assembly, from the 6th of Novr 1739 to the 10th May 1740

* * * * * * * *

16th June 1742

The Secretary laid before the Board the Eight following Copies of Orders in Council transmitted from the Council office the 1st Instant; and the Titles of the same were read viz.t

* * * * * * * * *

Order

Order in Council, dated the 18th of Janry 1741/2 approving a Representation of this Board for confirming an Act passd in South Carolina in Decr 1740 for regulating the Buildings hereafter to be Erected or Built in Charles Town &c

17th June 1742

Read two Letters from Col. Bull, Lieut. Govr of South Carolina to the Board, dated the 12th April 1742 in relation to a French Sloop being brought in by a Rhode Island Privateer to be condemn'd as a Prize and also to his appointing James Graeme Judge of the court of Vice Admiralty, together with some Doubts concerning the Powers of the Court for the Trial of Pirates.

Read a Letter from Mr Mc Culloh to the Board dated at Cape Fear in North Carolina the 12th of Novemr 1741, inclosing a Representation to their Lordships with an Account of his Proceedings in North & South Carolina, in the Execution of his Commission, and transmitted to the Board in Obedience to His Majestys Instructions, together with the following Papers.

Copy of the Memorial of Mr Henry Mc Culloh to the Lords Commissrs of His Majestys Treasury.

Copy of a Letter wrote to the Speaker of the Assembly of

of South Carolina by Mr. McCulloh.

Publick Notice addressd to all Gentlemen Freeholders & others whom it may concern.

Proposals of Henry McCulloh Commissioner of the Quit Rents, with the Report of the Committee of the whole House thereon, as agrud to by the House.

Copy of several Orders & Directions given to the Deputy Auditor and Surveyor Genl of the Lands and also to the Secretary and Receiver Genl of Quit Rents.

Copy of several Resolutions of the Lieut Govr and Council of South Carolina the 3d April 1731. in relation to His Majestys 10th & 11th Instructions given by Henry McCulloh in charge to the Surveyor Genl of the Lands.

Commissioner of the Quit Rents Representation to the Lieut Govr of South Carolina in Council, with a Declinatory Plea annexd the 5th of April 1731

Form of Rent Roll delivrd the Deputy Auditor General

The Method and Form to be observed by the Deputy Auditor & Secretary in making out a particular State of the present Possessors of Lands in Right of Grants, Patents or Warrants.

Observations

Observations on the Heads of a Bill humbly propos'd by Henry Mc Culloh to His Honour the Lieut Govr of South Carolina in Council, to be recommended to the Consideration of the Commons House of Assembly of that Province.

14th July 1742

Read again & reconsidered the Letter & Representation from Mr Mc Culloh to the Board dated 12th Novr 1741 (mention'd in the Minutes of the 17th of last Month) relating to his Proceedings in the Execution of his Commissn in North & South Carolina.

15th July 1742

The Board took into further Consideration the Letter & Representation from Mr Mc Culloh, relating to His Proceedings in Carolina (mention'd in Yesterdays Minutes) as also Mr Johnsons Letter, relating to a New Quit Rent Law to be passed in North Carolina, and made some progress therein.

29th July 1742

The Draught of a Letter to Colo Bull Lieut Govr of South Carolina, in answer to those receiv'd from him

Since

since since the last Letter to him from this Board was read and the same was agreed to & Ordered to be transcribed.

Order'd that the Secretary send a Copy of the Letter from Colo Bull Lieut Govr. of South Carolina to this Board, dated April 12th 1742, relating to the Judge of the Admiralty Court & to a Commission for trying Pirates in that Province, to the Secretary of the Admiralty, & desire him to recommend the same to the Consideration of the Lords Comissioners of the Admiralty.

. . . . . .

3d August 1742

Read a Letter from Colo Bull Lieut Govr of South Carolina to the Board, dated at Charles Town June 3d 1742, transmitting

Report of the Committee of the Council and Assembly of South Carolina, appointed to enquire into the Losses of the unhappy Sufferers of that Province in the late dreadfull Fire in Charles Town, Certified und the Hands and Seals of the said Committee the 3d of June 1742.

Read likewise another Letter from him dated June 18th 1742, giving an Account of the dangers the Province apprehends from the French and transmitting

Copy

Copy of a Petition to His Majesty praying His Majesty to order 3 Indep.t Companys under the Command of the Gov.r of the Province for the time being, to be placed in Garrisons on the Frontiers of the said Province.

. . . . . .

15.th August 1742

Mr. Leonard Marten, Solicitor having brought to the office a Letter from Mr. Whitaker, Chief Justice of South Carolina, to the Board, dated the 15.th of December 1741, enclosing his Charge to the Grand Jury, together with some Proceedings against Charles Pinckney Esq.r for Contempt, the said Papers were laid before the Board and Mr. Martin attending, was acquainted that it being a Law affair, their Lordships thought they had no proper cognizance of it.

. . . . . .

19.th August 1742

The Board having reconsidered Mr. McCulloh's Letter & Papers (mention'd in the Minutes of the 17.th of June & 10.th July last) order'd the Secretary to write him an Answer thereto.

. . . . . .

8.th October 1742

Read

Read a Letter from Mr Corbet Secretary of the Admiralty, dated Augst 19th 1742 (in answer to one from the Secretary of this Board) signifying that the Lords Commrs of the Admiralty have ordered Mr James Graeme to be appointed Judge of the Vice Admiralty at South Carolina, & will apply for a Commissn for the Trial of Pirates &c — Order'd that a Copy of the said Letter be sent to Mr Turye, Agent for the said Province

' ' ' ' ' ' ' ' ' '

16th November 1742

The Secretary laid before the Board the nine following Copies of Orders in Council transmitted from the Council Office the 24th of last Month, & the Titles of the same were read Vizt

' ' ' ' ' ' ' ' ' '

Order of Council dated the 24th of June 1742. for granting to Mr Livingston & his Associates 20,000 Acres of Land under certain Conditions in South Carolina. -

' ' ' ' ' ' ' ' ' '

Order in Council, dated the 16th of Sept 1742, directing Commissrs to set apart ye part of the Provinces of Carolina to the Lord Carteret under certain Conditions

' ' ' ' ' ' ' ' ' '

1st December 1742

Read

Read an Order of the Lords Committee of Council, dated Novr 24th 1742, directing this Board to lay before their Lordships the Names of such Persons as are proper to be appointed Commissioners for the Trial of Piracies & other offences committed within the Jurisdiction of the Admiralty in South Carolina.

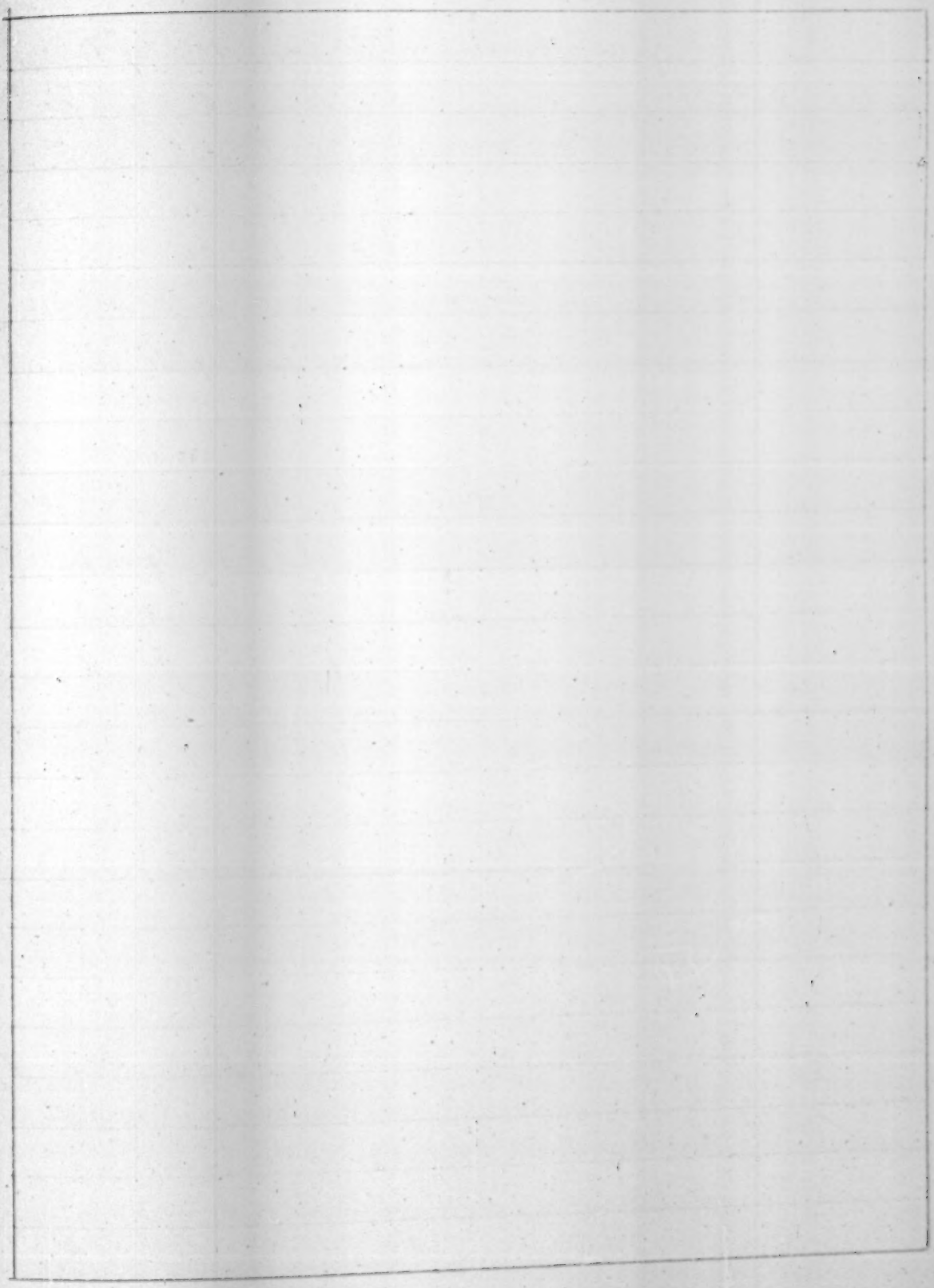
Order'd that the Draught of a Report thereupon be prepared.

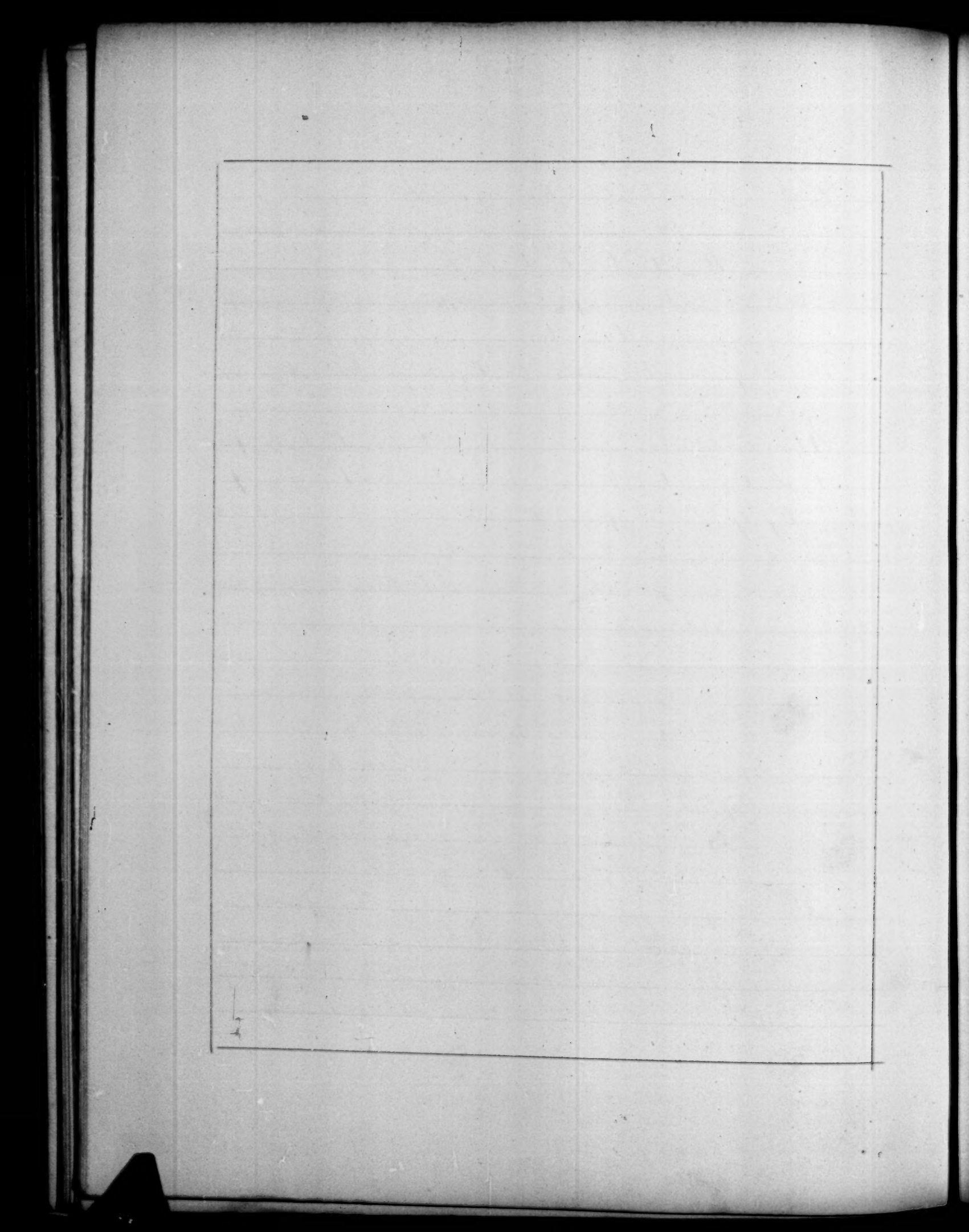
' ' ' ' ' ' ' '

2nd December 1742

The Draught of a Report to the Lords of the Committee of Council (as Order'd in Yesterdays Minutes) having been prepared and laid before the Board, the same was agreed to, transcribed & Signd.

' ' ' ' ' ' ' '





B P R O South Caroline B T Vol n 76

(18th January 1720/2)

At the Court at St Jamess
the 18th of January 1741
Present
The Kings most Excellent Majesty in Council

Whereas by Commission under the Great Seal of Great Britain, the Governor Council and Assembly of His Majestys Province of South Carolina are Authorized and Empowered to make Constitute and ordain Laws, Statutes and Ordinances, for the Publick Peace Welfare and good Government of the said Province; which said Statutes and Ordinances are to be, as near as conveniently may be agreeable to the Laws and Statutes of this Kingdom, and are to be transmitted to His Majesty for His Royal Approbation or Disallowance — And whereas in Pursuance of the said Powers, An Act hath been past in the said Province in December 1740 which hath been transmitted Entituled as follows Viz.t

An Act for regulating the Buildings hereafter to be Erected or Built in Charles Towne and for preventing incroachments on the Streets Lanes and Publick Alleys within the said Town as the said Streets Lanes

and

5 11 1

and Publick Alleys Stood on the Seventeenth day of November last.

And Whereas the said Act together with a Representation from the Lords Commissioners for Trade and Plantations thereupon having been referred to the Consideration of a Committee of the Lords of His Majestys most Honourable Privy Council for Plantation Affairs, the said Lords of the Committee did this day Report their Opinion to His Majesty, that the said Act was proper to be Approved — His Majesty in Council taking the same into Consideration, was graciously pleased to Declare His Approbation of the said Act, And Pursuant to His Majestys Royal Pleasure thereupon Expressed, the said Act is hereby Confirmed, finally Enacted and Ratified accordingly Whereof the Governor or Commander in Chief of His Majestys Province of South Carolina for the time being, and all others whom it may concern, are to take notice and Govern themselves accordingly

A true Copy
W Sharpe

Rec.d June 9.th 1.st
Read — 16.th } 1742

B P R O South Carolina B T Vol 27 f 188

(20th January 1742)

To His Grace the Duke of Newcastle

My Lord

Having received a Letter lately from Mr Bull President of the Council & Commander in Chief in South Carolina, in relation to the Exchange of some Spanish Prisoners there for some English at St Augustine, We take Leave to inclose a Copy of the said Letter to Your Grace and to desire Your Grace will be pleased to lay the same before His Majesty for His Directions thereupon We are

My Lord

Your Grace's

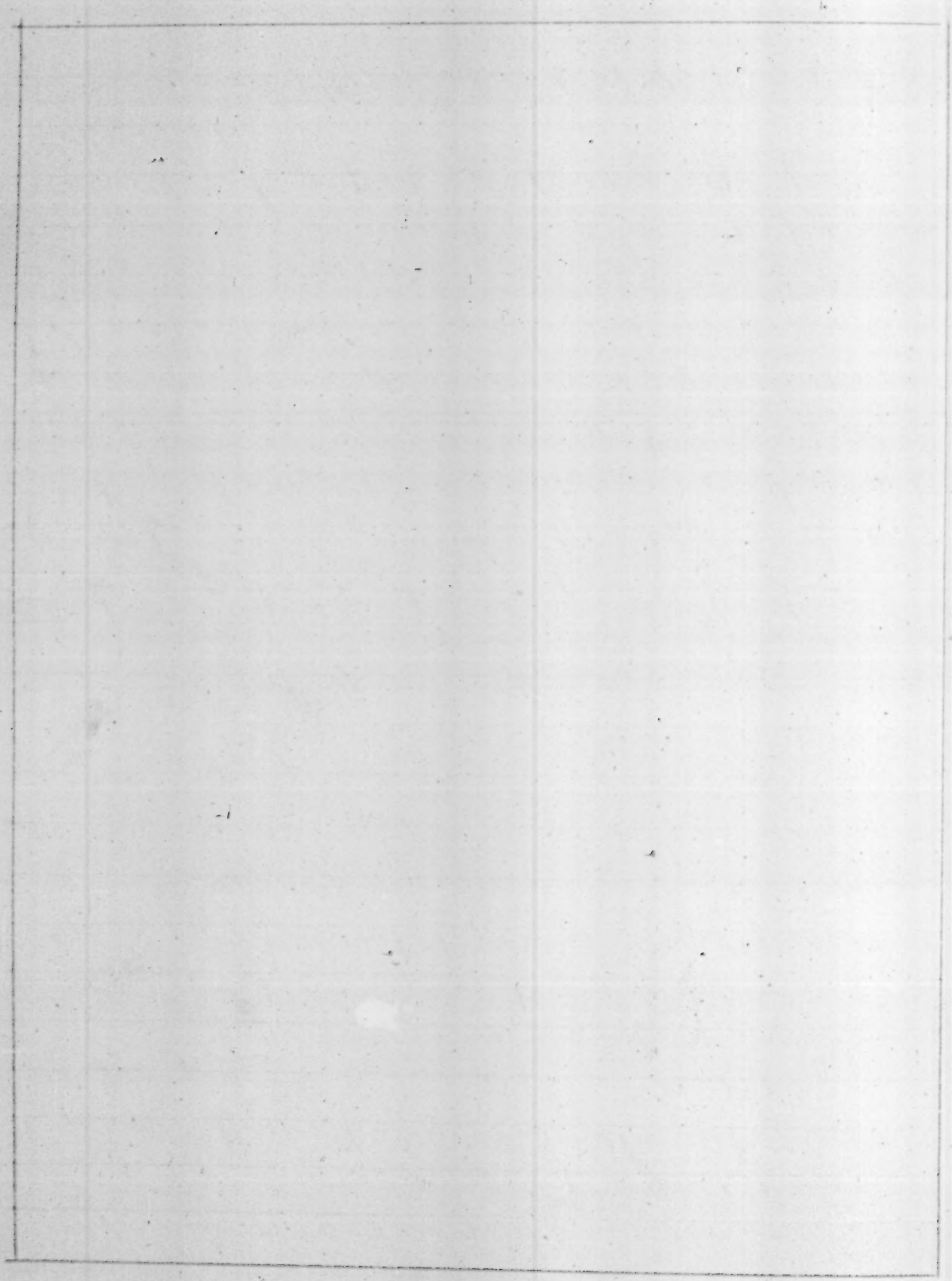
most obedient and

most humble Servants

Whitehall
January 20th 1741/2

Monson
Sa Broderell
Tho Pelham
R. Plumer
B. Keene
H. Bladen

(NB. for Inclosure See 17 November 1741 SP 105 fo 304)



B P R O South Carolina B T Vol 27 p 119

(2nd Febuary 1702)

To the Right Honble the Lords of the Committee
of His Majestys most Honble Privy Council.

My Lords

Pursuant to your Lordships Order of the 7th of August last, We have taken into Our Consideration the humble Petition of William Livingston Esq on behalf of himself & several others his Associates praying for a Grant of 200000 Acres of Land in the Province of South Carolina free from Quit Rents for the first ten Years And proposing to Settle thereon within that Term one thousand Protestants Whereupon We take Leave to Acquaint Your Lordships

That We have on this Occasion been attended by Mr Home, Agent for Mr Livingston who has informed us, that the Petitioner and his Associates are willing to undertake the Settlement proposed on South Caroline in an uncultivated Part of the Country upon the Savannah River, under the following Conditions.

That they may be allowed 210000 Acres to be Survey'd in four different Tracts, or parcels of 50m Acres Each.

That these four Parcels be laid out as Contiguous as may be but none of them to be at a greater

distance

5 of 11

distance from One, or other of them than 10 Miles.

That they may be granted in such Proportions as Mr Livingston shall require, but none to be less than 12 Acres.

That the who Lands shall be taken up and Surveyd and the Grants made by the Governor within 18 Months of His Majestys Order in Council; Otherwise the said Order, or Warrant to the Governor to grant these Lands, to be void & of no Effect whatever

That all the Grants be made by the Governor upon the return of the Surveys to him and that they bear equal Date with each other.

That the Commencement of the Quit Rents, be Computed from the Expiration of ten Years from the date of the said Grants; which Quit Rents are to be four Shillings Proclamation Money for every 100 Acres in the said Grants.

That in Case any Mines shall be found in the Lands petitioned for one fifth part of all Gold and Silver Ore & one tenth part of the Ore of all other Mines & Minerals be reserved to His Majesty.

We take Leave to observe to your Lordships that allthe the Quantity of Land proposed to be Settled in this Manner is very great amounting to 200 Acres for each

each person designed to be Settled thereon, yet Considering that Mr Livingstone and his Associates propose not only to transport the said 100 Persons at their own Expence, But to provide every thing necessary for them, & that they will not make the Settlement on other Terms; And as an undertaking of this Nature would be advantageous to the Province where there are vast Tracts of Land not yet Cultivated & such Settlement will encrease the Land Rents & be the means of improving the Trade of the said Province, We must Submit it to your Lordships whether it may not be for His Majestys Service to Comply with the Prayer of the said Petition on the foregoing Terms; We are

My Lords

Your Lordships

most obedient and

most humble Servant

Monson.

R. Plumer

B Keene

Hen. Pelham

M Bladen

Whitehall

February 2d 1741/2

B. P. R. O. South Carolina B. T. Vol. II. Fol.

13th February 1701/2

Sir

I here send to my Lords a List of the name of what People have Qualified themselves agreeable to the Late Act of Parliament, as Recorded in my Office, it was a very great chance that I got knowledge of the sd Act and that it fell into my hands we having none sent here from England, neither the Law nor that for Pulling down the private Banks are yet sent to the Government here

I also have sent printed Copies of the Laws of the Province for their Lordships, the Copies of all the Laws made here for two Years past I sent Mr Swry sometime since and shall take care of what Laws are made here for the future shall be immediat. by transmitted to you and shall be proud to receive your Commands in any thing Being with Great Respect

Sir

Your most Obedient and

most humble Servant

I Hammerton

Hon.d Hill Esq.r

Charles Town 13th February 1701

we dont yet hear anything of Mr Glen

Recd May 3d
Read — 1st } 1702

B P R O South Carolina B T Vol 11 Gly

13th February 1701/2

My Lords

Pursuant to an Act of Parliament for Naturalizing Protestants in His Majestys Collonies in America. I have sent Your Lordships the Names of such Persons who have Qualified themselves agreable thereto, before the Chief Justice at the Courts of Sessions, by his Certificates Recorded in my Office

I am with the Greatest Regard and Reverence

Your Lordships

most humble and Obedient Servant

I Kammerlen Secy

South Carolina

Charles Town 13th February 1701.

The Rt Honble The Lords Comrs for Trade & Plantations

(Enclosure)

South Carolina Secretarys Office

13th February 1702

A List of Persons who have Taken the Benefitt of the late Act of Parliament to Naturalize themselves By Certificates from Benjamin Whitaker Esq Chief Justice of this Province sworn before him in Court of General Sessions of the Peace and Recorded in

in this office as follows.

Bourzet Daniels Certificate Recorded 20th Jany 1741
Christina Davids Certificate Recorded 20th Janr 1741
Calvet Peters Certificate Recorded 22d Janry 1741
Dalyas Francis Certificate Recorded 20th Janry 1741
Delmetre Peter Certificate Recorded 21st Janr 1741
Gunshard Francis Certificate Recorded 20th Janry 1741
Tobias Joseph a Jew Certificate Recorded 11 Decemr 1741
Tolcux James Certificate Recorded 20 Janr 1741
Tarnall Matthew Certificate Recorded 20th Janry 1741

All which are Recorded in this office in Book EE

J Hammerton Secry

Recd May ye 3d
Read — 1st } 1742

B. P. R. O. South Carolina B. T. Vol 27 f. 43

(26th February 1702)

To Francis Jane Esqr.

Sir

I am commanded by my Lds Commissioners for Trade & Plantations to send you the inclosed Acts passed in South Carolina, and to desire your Opinion in point of Law on the Eight undermentioned which you will find Therein I am

Sir

Your most humble Servt

J. Hill

Whitehall
February 26th 1701/2

An Act for Sinking a Drain in Broad Street in Charles Town; And for cleansing and regulating the said Street.

An Act to appoint Commissrs to lay out and mend Roads & appoint Ferries for the Parishes of Prince George Winyaw and Prince Frederick, & to explain part of an Act entituled An Act for dividing the Parishes of St Pauls in Colleton County & Prince George Winyaw in Craven County & to appoint a Ferry over Santee River.

An

An Act for granting to His Majty the Sum of £35833. 6. 11½ for defraying the Charges of the Government for one year commencing the 26th day of March 1738 & inclusive & ending the 25th day of March in the Year of our Lord 1739 exclusive and for taxing transient Persons &c

An Act to prevent the Delay of Justice, by the non appearance of Grand and Petit Jurors at the Courts of General Sessions of the Peace Oyer and Terminer Assize & General Goal Delivery &c &c –

An Act to Cut & Sink Drains & Passages into the North & West Branches on Stono River.

An Additional And explanatory Act to an Act entituled An Act to encourage the better Setling and Improvement of Beaufort Town on Port Royal Island in Granville County.

An Act to appoint Persons to serve in Juries pursuant to the Directions of an Act of the General Assembly passed ye 20 day of August in the Year of Our Lord 1731 Entitled an Act confirming & establishing the Ancient & approved Method of drawing Juries by Ballot in this Province &c &c

An Act for the better ordering and governing Negroes & other Slaves in this Province.

B P R.O South Carolina B T Vol 27 p 88.

(29th July 1702)

To Thomas Corbett Esq Secretary to the Admiralty

Sir

My Lords Commissioners for Trade and Plantations having received a Letter from Colo Bull President of the Council in South Carolina and Lieut Governor of the Province relating to the Judge of the Admiralty Court and to a Commission for trying of Pirates; I am directed by them to send you a Copy of the same and to desire you would please to lay it before the Lords of the Admiralty for their consideration. You will please at the same time to inform their Lordships that upon Enquiry my Lords Commissioners have not been able to find that any Commission for trying Pirates has been sent to this Province since His Majestys Accession to the Crown I am

Sir

Your most humble Servt

Hos Hill

Whitehall
July 29th 1702

B P R O South Carolina B T Vol II Pg

(12th Apul 1712)

My Lords

I beg leave to acquaint Your Lordps that ye Sloop Claude Marie commanded by Jean Baptiste Maginet a Subject of his most Christian Majesty was brought into the Province by ye Commander of a Private Sloop of this fitted out from Rhode Island under pretence of her being in ye Emplay of the King of Spain, in order to be Condemned as a Prize; But upon a Strict and fair examination of the Evidence the French Captain was Acquitted and as peace is Still Subsisting between his Britannic Majesty & ye French King I thought myself Obliged in duty to His Majesty and in Justice to ye Injured persons to Assist the French Captain & furnish him with such Papers as might enable him if he thought fit to apply to the Sureties of the Privateer for Damages he had received on Account of the unlawful Seizure and for full Information of the particular circumstances of this Affair I have transmitted to his Grace the Duke of Newcastle a Copy of the proceedings in ye Court of Vice Admiralty of this Province thereon

I am with ye greatest respect

My Lords

Yr

Yr Lordps

most Obedient Servt

Charles Town — Wm Bull

South Carolina

April 12th 1742

N.B. There is another copy word for word of the letter addressed to the Duke of Newcastle Secretary of State (See Ans. vol 19 p 183) and also a Copy of the proceedings in the Court of Vice Admiralty of South Carolina referred to in the said letter but as those proceedings occupy eighteen full Size double folio pages I have thought it advisable not to Copy them at present unless &c

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(Enclosure)

My Lords

I beg leave to acquaint Yr Lordps that the Office of Judge of the Court of Vice Admiralty of this Province is become vacant by the death of William Trewin Esqr and by the advice of his Majestys Council I have Appointed James Graeme Esqr an Attorney at Law eminent in his profession & a person well Qualified to execute that trust At the same time I beg leave to represent to Yr Lordps that there is no Salary annexed

annexed to that Office and that the Fees & perquisites are so very inconsiderable that it is a great Discouragem.t to any Gentleman learned in the Law, & qualified for that Office to quit his business in that Court, in order to preside as Judge. The Court of Vice Admralty being under these disadvantages, I thought it my duty to represent them to Yr Lordps in hopes by Yr Lordps favour and Assistance they may be recommended in such a manner to his Majesty, that a Salary may be afford.ed Suitable to ye dignity of that Office.

I presume further to acquaint Yr Lordships that there is in this Government no other Commission for constituting a Court for ye Trial of Pirates, than that wch was granted by his late Majesty to Govern Nicholson concerning which there are various Opinions & Doubts whether the powers granted by that Commission do yet Subsist wch would be entirely removed if his Majesty would be graciously pleased to Grant a New one for that purpose. I am with ye Greatest respect

My Lords, Yr Lordps

most Obedient & most humble Servt

Charles Town South Carolina — Wm Bull

April 12th 1740

Enclosure

555

(Enclosure)

Admty Office 19th August 1742

Sir

I have received your Letter, dated the 29th of July, with the inclosed Copy of a Letter from the Lieut Governor of South Carolina, and the Agent of that Province having attended here yesterday morning, I laid the said Letters before my Lords Commrs of the Admiralty, who have Order'd Mr James Graeme to be appointed Judge of the Vice Admiralty at South Carolina.

Their Lordships will apply to His Majesty in Council to grant a New Commission for the Tryal of Piracies and other offences committed within the Jurisdiction of the Admiralty in South Carolina, but the Agent must attend the passing and defraying the Expence thereof. I am

Sr

Your most humble Servant

Jhs Corbett.

Thos Hill Esqr Secry to the Lords of Trade

Recd June 29th 17th } 1742
Read Ditto

B. P. R. O. South Carolina B T vol 11 Gys

Charlestown So Carolina June 3d 1702

My Lords

In obedience to the commands of their Excellencies the Lords Justices bearing Date the 10 Day of July in the fifteenth Year of his Majestys Reign I have taken leave to transmit to Your Lordships the Report of the Committee of the Council & Assembly of this Province appointed to inquire into the Losses of the unhappy Sufferers of this Province in the late dreadful fire in Charlestown, certified under the hands & Seals of the said Committee agreable to their Excellencies Instructions to me signified

And I beg leave further to acquaint your Lordships that I have delivered to each Sufferer a Certificate under my Hand & Seal of their Proportion of the Bounty granted by Parliament for rebuilding & re-establishing Charlestown agreable to the Report of the Committee of both houses of Assembly I am with the greatest Respect

To the Right honourable the Lords Commissioners for Trade &c

My Lords
Your Lordships
most obedient & most humble Servant
Wm Bull

Recd Aug 1 ye 4th
Read ——— 6th 1702

B P R O South Carolina B T Vol 11 379

(Enclosure to Col Bull's Letter [illegible]) (31st June 1742)

To the Honorable William Bull Esqr Lieutenant Governour and Commander in Chief in and ove his Majestys Province of South Carolina.

The Report of the Committee of the Council and Assembly of the said Province, appointed to enquire into the Losses sustained by the Inhabitants of the said Province in the late dreadful fire in Charles Town, in pursuance of the Instructions of their Excellencys the Lords Justices, bearing date the 15 of July 1741

May it please your Honour,

Your Committee in order to give obedience to the Instructions of their Excellencys the Lords Justices, to do equal justice to the unhappy sufferers, and to facilitate their enquiry, laid down the following Rules to be observed by the Committee

1st, That each person who should lay an Account or Schedule of his particular loss before the Committee, should be examined upon Interrogatorys, to be administered on oath.

Secondly, That each person should answer to such particular interrogatorys as the Committee should judge to

to arise from the nature of each distinct account laid before them.

Thirdly That the Interrogatorys should be fixt in writing before the party should be called before the Committee, and the answers taken in writing, and signed by the party deposing.

Your Committee having strictly observed the above Rules, and gone through their enquiry, have set down in the Schedule annexed what they judge to be the real loss of each sufferer, as well as the respective sums to be received by each, in order to his or her resettling in the said Province, according to the proportion the money granted by Parliament bears to the whole loss, in which your Committee have observed the following method (to wit)

The Schedule hereunto annexed is divided into four Columns.

The first Column contains the name of each sufferer

The second contains the sum which your Committee judge to be the real loss of each sufferer, in the current money of the said Province.

The third contains the real loss valued in money of Great Britain, the exchange computed at Seven hundred per cent.

The

The fourth contains the respective sum to be received by each sufferer, according to the proportion the money granted by Parliament bears to the whole loss of such sufferer.

All which your Committee humbly certify under their hands and Seals, affixed to these as well as the Schedules hereunto annexed this third day of June 1743.

Benj Whitaker ⊙ — Jos Wragg ⊙
Sa: Abercromby ⊙ — I Hamerton ⊙
Jno Champeys ⊙ — I Colleton ⊙
David Hext ⊙ — William Middleton ⊙

Name of the Sufferers	Amount of each person's Loss in Currency				Value in Sterling				Proportion of this Bounty			
1 Austin George	£ 1317				£ 111	8	6	3⅞	£ 12	6	1	⅞
2 Audebert Moses	387				31	8	8	2⅞	11	17	1	3
3 Allen John	8312	10			704	12	10	1⅞	212	16		1 ⅛
4 Axson Jacob	107	10			16	7	1	2⅞	3	1	1	2 ⅞
5 Austin Robert	7500				1071	8	6	3⅞	344	3	3	1 ⅛
6 Atkin John	2151	4	1	2	307	14	10	2	101	14	9	2 ⅞
7 Bee Edmund John	7000				1000				330	18	1	⅛
8 Brisbane Williams	2822	10			403	11	8	1⅞	133	6	5	3 ⅞
9 Beale Othniel	9029	10			1290	7	10	1⅞	427	—	1	⅛

Below

560

	Name of the Sufferers	Amount of each Persons Loss in Currency				Value in Sterling				Proportion of His Majestys Bounty			
10	Bedon Stephen Junior	£ 1225	18	4	—	£ 189	8	4	—	£ 62	12	7	2
11	Bassett Mary	1167	—	—	—	238	2	10	1 7/7	78	14	10	4/7
12	Ballantine John Junior	226	—	—	—	32	5	8	2 7/7	10	13	5	3 4/7
13	Bull John	418	8	9	—	64	1	3	—	21	3	7	3 7/7
14	Baker Richard	1200	—	—	—	171	8	6	3 3/7	56	13	7	3 4/7
15	Brone Anne	4400	—	—	—	628	11	5	4/7	207	16	9	2 7/7
16	Bee Martha & Daughter	270	—	—	—	38	11	5	4/7	12	18	—	3 3/7
17	Brewton Miles	1491	8	4	—	213	15	3	2 4/7	70	13	8	1 7/7
18	Boone Thomas	600	—	—	—	85	14	3	1 4/7	28	6	10	1
19	Boneau Anthony	1320	—	—	—	214	5	8	2 7/7	70	17	—	3 4/7
20	Bedon Henry	1662	19	6	—	237	11	4	1 7/7	78	11	—	2 4/7
21	Bennett Ann	122	5	—	—	17	9	3	1 4/7	5	15	5	3 7/7
22	Brewton Robert	912	10	—	—	130	7	1	2 4/7	43	2	—	2 4/7
23	Corbett & Michie	1491	10	—	—	213	1	5	4/7	70	9	—	3 4/7
24	Calvert Peter	520	7	—	—	74	6	8	2 7/7	24	11	6	3 4/7
25	Carruthers William	1362	10	—	—	194	12	10	1 7/7	64	7	3	2 7/7
26	Cooper Thomas	1480	—	—	—	667	8	6	3 3/7	218	7	11	1 4/7
27	Carr John	230	—	—	—	32	17	1	2 4/7	10	17	4	1 4/7
28	Cartwright Sarah	82	12	6	—	11	16	—	3 3/7	3	18	1	2 4/7
29	Capers Thomas	600	—	—	—	71	8	6	3 3/7	23	12	4	1
30	Crawford Daniel	1368	16	3	3	194	16	7	1 7/7	64	8	3	7/7
31	Cleland Wallace & Fleming	3538	11	0	—	505	7	4	4/7	168	1	10	1 4/7

Clarke

	Name of the Sufferers	Amount of each Persons Loss in Currency				Value in Sterling				Proportion of his Majesty's Bounty			
32	Clark Lydia	£ 90	17	1		£ 13	11		3 7/9	£ 4	3	11	1 7/9
33	Dart John	412	—	3		67	17	2	7/9	22	5	1	2
34	Dill Elizabeth	200				31	8	1	3 7/9	2	12	4	1
36	Ducatt George	257	11			41	1	5	7/9	1	8	11	7/9
31	Dale Thomas	490				70				2	3	11	
37	Dalbiac Catherine	580	—	—	—	121	8	1	3 7/9	4	0	3	— 7/9
38	Deas David	137	15			22	11	1	2 7/9		7	9	1 3 7/9
39	Devaux Andrew	700	—		—	100				3	2	1	3 2 7/9
40	Dalton James	512	10	—	—	73	11	3	1 7/9	2	0	4	1 3 7/9
41	Delmestre Peter	191	3			27	15			1	2	13	2
42	Doucsaint Paul	1411	16			209	10	8	2 7/9	6	9	8	7/9
43	Elliott Barnard	7000				1000				33	0	13	1 9/9
44	Everleigh Samuel & George	20962	19	9		2994	14	3		99	0	4	3 3/9
46	Elliott Esther	78	6			11	3	6	3 7/9		3	13	10 3 7/9
46	Elliott William	6411	3			916	17	10	1 7/9	30	2	16	10 2
47	Elliott Thomas, the Estate of	2843	13			313	7	10	1 7/9	12	0	2	2 7/9
48	Elliott Thomas	9300				1328	11	6	7/9	43	9	11	2 7/9
49	Evance Branfill	3022	15	10		431	16	11	2 7/9	14	2	10	7/9
50	Ellis Mary	361	12	6		51	13	2	2 7/9	1	7	1	2 7/9
51	Fraser John	3531	4	6		505	9	2	2 7/9	16	7	2	3 7/9
62	Fairchild John	200				31	8	6	3 7/9	1	2	13	4 1
63	Fisher Deborah	178	2	9		26	9	1	1 7/9		8	5	11 —

Sewick

	Names of the Sufferers	Amount of each Persons Loss in Currency				Value in Sterling				Proportion of his Majestys Bounty			
34	Jennicke John	£ 1495				£ 236	2	10	1¼	£ 316	3		2¾
35	Iley Elizabeth	578				82	2	10	1¼	27	3	2	2
36	Jowles James & Edward	4784	18	6		683	11	2	2¾	226		8	1¾
37	Jidling Elizabeth	1200				171	8	6	3¾	56	13	7	3¾
38	Joven Hellen	388	12		2	55	10	3	2	18	7	1	1¾
39	Grimke Frederick	783	7			111	18	1	2¼	37			2
40	Gales Thomas his Estate	1453	14	6		207	13	6	—	68	13	4	1¼
41	Godin Benjamin	5584	12	3	2	799	16	—	2	263	10	11	1
42	Guigniard and Gabuel	131				92	17	1	2¼	30	14		7
43	Garden Alexander for David Gurard	8000				1142	17	1	2¼	377	17	9	3
44	Golightly Culcheth	473	5			67	12	1	2¼	22	7	1	—
45	Gracia Francis	2000				286	14	3	1¼	94	9	5	1¾
46	Guy William	1200				171	8	6	3¾	56	13	7	3¾
47	Hill & Guerard	228	10			32	12	10	1¼	10	15	10	1¾
48	Huger Daniel	5000				714	5	8	2¾	236	3	7	2¾
49	Horry Peter Estate of	1234	12	1		176	7	8	1¼	58	6	4	1¾
50	Holmes Isaac	625				89	6	8	2¾	29	10	5	1¾
51	Haynes Nicholas	350				50				16	10	7	3¾
52	Harvey John	1800				257	2	10	1¼	85		6	
53	Hall Christopher James Osmond for	651				92	17	1	2¼	30	14		3
54	Holmes Elizabeth	4236	15			605	5			200	2	6	3¾
55	Haughton & Webb	9545	16	8	1	1363	13	9	3	450	18	2	1¼

Hill

	Names of the Sufferers	Amount of each Persons Loss in Currency				Value in Sterling				Proportion of his Majesty's Bounty			
76	Hill Richard	£ 3033	15	6	2	£ 456	14	4	17/	£ 144	9	0	14/
77	Holmes Francis	2207	10	—	—	331	7	1	24/	104	5	5	24/
78	Horry Martha Estate of	428	—	—	—	61	2	10	17/	20	4	4	—
79	Hopton William	202				71	11	3	17/	23	14	2	3/
80	Holmes Isaac & Maj Willsons Estate	3837	10	—	—	545	4	3	17/	181	0	4	23/
81	Hiskett George	322	—	—	—	46				10	4	2	17/
82	Hepworth Ann & Ann Barksdale	1500	—	—	—	214	5	8	23/	70	7	—	3/
83	Ivor Catherine	1777				253	7	1	24/	83	18	10	1
84	Johnson John	391	10	—	—	56	12	11	17/	18	14	1	3/
85	Jenys Elizabeth	5400				771	8	1	3/	255	1	6	1
86	Johnson Robert	1200	—	—	—	171	5	6	3/	56	13	7	3/
87	Jenys Thomas	3480	3	4	—	497	3	4	—	164	7	9	24/
88	Jones Samuel	225	—	—	—	32	2	10	17/	10	12	6	24/
89	Jenkins Elizabeth	600	—	—	—	86	14	3	17/	28	1	10	1
90	Kilpatrick James	1012	10	—	—	144	12	10	17/	47	16	6	17/
91	Keys John	1600	—	—	—	228	11	5	7/	75	11	6	24/
92	Knight Abraham	592	9	9	—	84	12	9	3/	27	19	8	24/
93	Laurens Esther	281	17	6	—	40	5	11	17/	13	1	3	7/
94	Legare Peter	573	15	—	—	81	17	3	17/	27	2	—	17/
95	Lasserre Elizabeth	1151	7	1	—	164	9	7	24/	54	7	8	24/
96	Lennox James	191	2	8	3	27	6	1	1	9	—	1	2
97	Le Brasseur Ann	3200	—	—	—	457	2	1	17/	151	3	1	17/

Lloyd

	Names of the Sufferers	Amount of each Persons loss in Currency				Value in Sterling				Proportion of his Majesty's Bounty			
98	Lloyd Thomas	£9400	—	—	—	£1242	17	1	2 4/7	£444	—	6	4/7
99	Lewis Isaac	2500	—	—	—	357	2	10	1 4/7	118	1	9	2 4/7
100	Legare Thomas	276	10	—	—	39	10	—	—	13	1	2	2 3/7
101	Lamboll Thomas & Smiths Estate	1360	—	—	—	200	—	—	—	297	11	9	1 3/7
102	Motte Jacob	12790	10	—	—	1827	8	—	—	604	3	9	1 3/7
103	Murdoch John	261	10	—	—	37	7	1	2 4/7	12	7	—	1 3/7
104	Mathewes John	800	—	—	—	114	6	8	2 3/7	37	15	9	1
105	Mackay William	333	15	3	—	47	13	7	1 3/7	15	15	3	2 4/7
106	Maine Mary	369	3	9	—	52	11	9	3 3/7	17	8	9	4/7
107	Mazyck Isaac & his Fathers Estate	9340	—	—	—	1333	8	6	3 3/7	441	2	11	1 3/7
108	Mitchell Moses	756	3	9	—	112	6	3	—	37	2	8	3
109	McKay Deborah	182	15	—	—	26	2	1	2 4/7	8	12	7	2 3/7
110	Mountcriff John	40	—	—	—	5	14	3	1 3/7	1	17	9	1 3/7
111	McCall John	1139	2	6	—	948	8	11	4/7	313	12	1	3 3/7
112	Morrison Sullianna	127	—	—	—	18	2	10	1 4/7	5	19	11	2 3/7
113	Mathewes Anthony	2167	10	6	—	309	12	11	4/7	102	7	8	2
114	Milner Jeremiah Estate of	631	10	—	—	90	4	3	1 4/7	29	16	7	4/7
115	Mooly Joseph	362	—	—	—	51	8	6	3 3/7	17	—	1	2/7
116	Mongin David	868	7	6	—	124	1	—	3 3/7	41	—	11	1 4/7
117	Milner John	1050	—	—	—	149	6	8	2 3/7	37	—	8	2 3/7
118	Mathewes Lois	4099	—	—	—	586	11	5	4/7	193	12	3	4/7
119	Mathewes James	7192	10	—	—	1018	18	6	3 3/7	336	15	3	4/7

Matheus

	Names of the Sufferers	Amount of each Persons Loss in Currency				Value in Sterling				Proportion of this Majesty's Bounty			
120	Mathewes William	£ 765				£ 109	5	8	2/7	£ 31	2	8	1/7
121	Norton Ann	" 817				" 45	3	5	2/7	" 13	19	5	2/7
122	Norton Gideon	" 272	13			" 38	19	3	1/7	" 12	17	7	3/7
123	Neufeville John	" 840				" 120				" 34	13	6	2/7
124	Osmond James	" 4522	13	10	1	" 646	1	11	3	" 218	12	4	1/7
125	O'Neal Charles	" 164	12			" 23	10	3	1/7	" 7	10	3	3/7
126	Pringle Robert	" 3019	8	1		" 431	16	6		" 143	12	2	1/7
127	Prue Joseph	" 167				" 23	17	1	2/7	" 7	17	9	3/7
128	Pender Sarah	" 1008	11	3		" 144	1	7	1/7	" 47	12	9	3
129	Portall Mary	" 739	2	6		" 105	11	9	1/7	" 34	18	3	2/7
130	Poinsett Joel	" 3045				" 435	5	8	2/7	" 144	6		1/7
131	Pagett John	" 1000				" 142	17	1	2/7	" 47	4	8	2/7
132	Pinckney Charles	" 2300				" 328	11	5	3/7	" 108	12	10	1/7
133	Pickard Charles Jack	" 414	6			" 59	3	6	3/7	" 19	11	4	3/7
134	Pinckney William	" 2842	10			" 406	1	2	3/7	" 134	5	4	2/7
135	Paris James	" 140				" 20				" 6	12	3	3/7
136	Penefather John	" 328				" 46	17	1	2/7	" 15	9	10	1/7
137	Reid James	" 2170	8	5		" 735	11	11		" 244	6	4	3
138	Roper William	" 2176	2			" 310	17	5	3/7	" 102	16	9	3
139	Randell William	" 2976	8			" 426	3	6	3/7	" 140	11	6	3/7
140	Rigg Alexander	" 2240				" 320				" 105	16	2	1/7
141	Rigden William	" 69	12	6		" 9	15	11	3/7	" 3	6	9	3/7

Seaman

	Names of the Sufferers	Amount of each Persons Loss in Currency				Value in Sterling				Proportion of his Majestys Bounty			
142	Seaman George	£37316	11	6	3	£2330	15	11	1	£762	12	—	3 4/7
143	Stone William	12578	10	6	2	1539	15	9	2	608	6	8	3 4/7
144	Schermerhorn Arnout	385	6	3	—	72	3	9	—	23	17	4	2
145	Shute Joseph	3977	10	—	—	368	4	3	1 4/7	157	17	7	3
146	Shaw Peter	300	—	—	—	71	8	6	3 4/7	23	12	4	1
147	Stone John	2158	15	—	—	308	7	10	1 4/7	101	19	5	4/7
148	Scott John Gunsmith	922	16	—	—	131	16	6	3 4/7	43	11	9	1 2/7
149	Saultus Henry	700	—	—	—	100	—	—	—	33	1	3	2 4/7
150	Semmonds Smith & Comp[y]	3617	5	—	—	516	15	—	—	170	17	3	3 4/7
151	Savage Benjamin	935	7	—	—	134	1	—	—	44	6	5	3 2/7
152	Stoughtenburg Sarah & Children	2512	10	—	—	365	15	6	3 4/7	118	13	7	1 2/7
153	Sym William	140	—	—	—	20	—	—	—	6	12	3	4/7
154	Scott William	935	13	11	3	133	19	11	3/7	44	3	11	1 2/7
155	Stead Benjamin & Comp[y]	2058	13	6	—	294	1	11	3/7	97	4	10	3
156	Stevens William	307	6	3	—	43	18	—	1 4/7	14	10	3	3 4/7
157	Smith Elizabeth	300	15	—	—	42	19	3	1 2/7	14	4	1	1 4/7
158	Smith Alexander	812	10	—	—	116	1	5	2/7	38	7	7	—
159	Stoll Justinus	225	10	—	—	32	4	9	1 4/7	10	13	—	1 2/7
160	Sulfer Patrick	124	18	—	—	17	16	10	1 4/7	5	17	11	3 2/7
161	Sillepontous Peter	1147	—	—	—	163	17	1	2 4/7	54	3	7	3/7
162	Van Velsyn Garret	1711	10	—	—	244	10	—	—	80	16	10	3 4/7
163	Woodrop William	7618	6	2	3	1088	6	7	1	359	17	2	2 4/7

Waloone

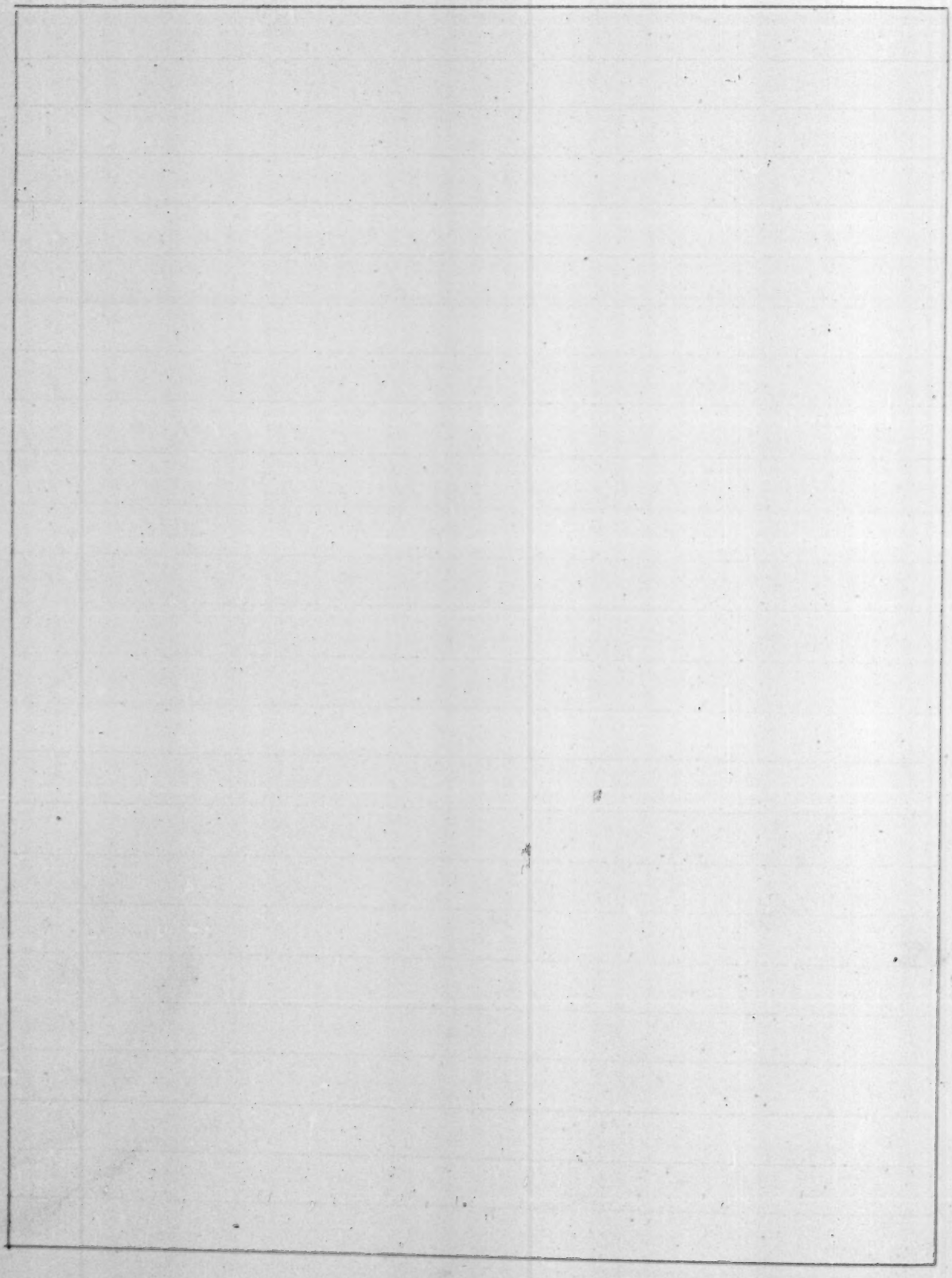
	Names of the Sufferers	Amount of each Persons Loss in Currency				Value in Sterling				Proportion of his Majesty's Bounty			
164	Watsone Mary	£ 2871	17	6	—	£ 440	5	4	17/7	£ 138	13	1	27/7
165	Woolford Jacob	" 1266	18	—	—	" 190	19	3	14/7	" 59	16	8	27/7
166	Warham Charles	" 1000	—	—	—	" 142	17	1	24/7	" 47	4	8	27/7
167	Wright John Estate of	" 3000	—	—	—	" 428	11	2	9/7	" 141	14	2	9/7
168	Wright James	" 683	10	—	—	" 97	5	6	33/7	" 32	7	7	6/7
169	Wright Thomas	" 297	7	6	—	" 42	11		27/7	" 14	1	4	27/7
170	Watsone & Mc Kinzie	" 9100	—	—	—	" 1302	1	3	14/7	" 429	17	6	14/7
171	Yeomans William	" 7459	—	8	—	" 1061	6	9	24/7	" 346	16	2	13/7
		£ 423 404	18	5	3	£ 60 156	5	4	1	£ 20,000	—	—	—

Benj Whitaker (45)
Ja Abercromby (46)
Jno champneys (47)
David Hext (48)

Jos Wragg (49)
I Hammerton (50)
I Colleton (51)
William Middleton (52)

Recd August ye 4th
Read ——— 5th } 1742

Recd with Col Bull's
Letter dated ye 31 of
June 1742



B P R O South Carolina B T Vol 11 380

South Carolina Charlestown June 15. 1702

My Lords

His Majestys Interest being so much concerned in the present Application of the Council & Assembly of South Carolina to His Majesty for assistance to prevent the ill consequences that may attend the Designs & proceedings of the French, I apprehend it my duty, & therefore I beg leave to lay before your Lordships a Short view of the present Situation of our Affairs with regard to our Indian Allies, the views of the French & what is apprehended to be the most effectual means of securing his Majestys Dominions in these Parts

And first I presume to acquaint your Lordships that notwithstanding our present flourishing condition by the Increase of our Inhabitants & Trade, & the Ships of War ordered by his Majesty for the protection of the same, the Safety & Welfare of this Province depends in a great measure on the Friendship of our Indian Allies, the most numerous of whom are the Cherokies consisting of about 3000 Men living to the Northwest, about 300 miles distant from Charlestown, they are settled at the head of Savanna River & some branches of the Mississippi. The next are the Creek Indians, who live to the Southwest

about

about 500 miles distant from hence consisting of about 1500 Men, & are distinguished by the Upper and Lower Creeks. The Upper Creeks are settled on the Branches of the River that falls into the Bay of Mexico at the French Settlement called Mobile. When they were at War with us in the Year 1715 they permitted the French to build a Fort amongst them upon that River near a Town called the Thilbamas. They are now so jealous of the consequences that may attend the Europeans having a Possession & Forts amongst them, that they have refused us that Liberty when proposed for the protection of our Traders in case of a War with France. The Lower Creeks live on the branches of the Chattahuchee River which falls into the Bay Apalachee on the West of Florida. As they lie more in the neighbourhood of St Augustine they have frequently visited & received presents from that Government; but in the present war some of them as well as our other Indian Allies have been prevailed with to assist us against the Spaniards. The Creek Indians are esteemed the best Warriors except the Chickesaws, who live near the Mississippi, & do not now exceed 400 Men, who withstood the French & their Indians in several attacks but they are nevertheless much annoyed, & the Trade interrupted

by

by their numerous neighbours the Chactaw Indians, who are encouraged thereine & rewarded by the French. The Catawba Indians consist of about 200 Men living to the northward about 200 Miles from Charlestown on the Watree River which is a branch of Santee. They as well as the Cherokees have often been molested by the Senecas or Six Nations living near Albany; But Governeur Clarke of New York in his last Conference with the Six Nations proposed a Peace between them & the Southern Indians in Friendship with his Majesty's Subjects; which the Catawbas & Cherokees, as soon as I had signified the same to them, came down to Charlestown & agreed to this peace I apprehend to be very necessary to prevent the Indians in the British Interest from weakening one another that they may be the better able to withstand the attempts of the French Indians

And I take leave further to acquaint your Lordships that the French by their communication from Quebec through the Lakes & Mississippi River down to New Orleans on the Bay of Mexico have gained an Interest in & Influence over many Nations of Indians who have no Friendship or Intercourse with any other Europeans & by that means engage & employ them against the Cherokees & Chickesaws. The French are at peace with & have an

Influence

Influence among the Creeks by their having a Fort there By such frequent Enterprizes the French Indians will be improved in the Art of War, & the French by their Assistance in case of a War may greatly annoy, if not become Masters of this or some other his Majestys frontier Provinces (which they have for a long time had in view) if proper measures are not taken to prevent that growing evil before it becomes too formidable to be withstood.

Such Apprehensions has prevailed with the Council & Assembly of this Province to make an early application to his Majesty for three Independent Companies to be garrisoned, under the immediate Direction of the Governor, on the Frontiers of this Province to protect & secure the Inhabitants in the cultivation of their Lands as well as the Trade with the Indians. But it is apprehended further with great Submission that these Forces can be of considerable Service likewise to this Province if they were to joyn & head our Indian Allies when any attempt is designed against us by land, for the greatest Service the Indians have done, has been when they were headed by whitemen, several Instances of which I shall beg to give your Lordships. The Creek Indians in the Year 1702 were under great concern when the

the Spaniards & Apalachee Indians were on their March towards them; but being animated & headed by the Traders then amongst them, they marched out & met those Spaniards & Indians at Flint River where they fought & got the Victory over them. And in the Year following they did not march down into the Apalachee Settlements where the Spaniards had several Forts or attempt a conquest of those Spaniards or Indians till Colonel Moore with fifty horsemen encouraged & led them on in that undertaking, which was attended with so great Success that it disabled the Spaniards from giving the least disturbance by land to Carolina during that War. Neither did our Indian Allies give to the Relief of North Carolina to War against the Tuscaroras Indians till they were led on by a number of horsemen sent at the expence of this Government in the Year 1711 which they were encouraged to continue till they had subdued those Indians.

I have thus presumed to be long & particular in representing the State of our Affairs which is humbly Submitted to your Lordships consideration, in hopes that your Lordships Recommendation his Majesty will be so graciously pleased to grant the Assistance now applied for, which is so much for the Service of his Majesty & the

5/3

& the good of his Subjects in these Parts, a copy of Petition I take leave to transmit for your Lordships Perusal by the hands of James Abercromby Esqr his Majestys Attorney General, who attends your Lordships with this, & is employed joyntly with Captain William Livingstone in the Application to his Majesty as Assistants to Mr Fury the Agent for this Province, who are fully empowered to proceed in this Sollicitation in case of Mr Fury's Death or Absence, & therefore I beg leave to recommend these Gentlemen to your Lordships Favour & countenance.

I am with great Respect, My Lords
Your Lordships
most obedient
& most humble Servant
Wm Bull

To the right honourable
the Lords Commissioners
for Trade & Plantations

Rec^{d}
Read } August 3^{d} 1742

B P R O South Carolina B T Vol II 381

(Enclosure to Lt Gov Glen's Letter of 15 June 1748)

To the Kings most Excellent Majesty

The Humble Petition of your Majesties most Duty full and Loyal Subjects, The Council and Assembly of the Province of South Carolina.

Sheweth

That your Majestys Governour Council and Assembly of this Province for several years last past have frequently taken the Liberty Humbly to represent to your Majesty the great Dangers which your Majestys Dominions in North America have been Exposed from the United Attempts of the French and Spaniards

That the French of Canada or New France have for many Years been endeavouring to Cultivate a Correspondence with the Seneca Indians Commonly Called the Six Nations in order to Seduce and Allure them to make War with the Indians that lye to the Westward and Southward of Carolina, which have hitherto been a Barrier between Carolina & the Settlements of the French & Spaniards.

That the French have long ago formed a design to Settle a Communication from Louisiana by the Branches of the River Mississippi through the backpart of this Continent

Continent to Canada.

That the better to Carry This great Enterprize into Execution they have Erected Several Fortresses at Convenient distances on the Lakes of Canada and Ilinois and all along the River Mississippi as far as their Settlement of Moville in the Bay of Apellachia that they might with greater facility Seduce or Subdue the Indians in friendship with the English & by that means without Interruption be able to make Inroads into their Settlements.

That in order fully to Accomplish their purposes Sometime about the Year 1739 they Augmented their forces at Moville by a Considerable Supply from France who in Conjunction with a large body of French and Indians from Canada with united force made repeated Attacks on the Chickesaw Indians and after having met with Several defeats drew those people into an Insidious peace which gave the French an Opportunity to destroy great numbers of them, so that they are now greatly reduced and so Intimidated that they can by us be no longer depended upon.

That in the Month of November last your Majestys Lieut Governour of this Province received certain Advices from your Majestys Governour of New York, That a party of the French were gone to the Southward & had

had enticed some of the Indians depending on that Colony to Join them, And by Expresses lately come from the Cherokee Indians We are Informed that a very large body of French and Indians have ben discovered within a few days march of the Cherokee Town in order to Attack those people who are the only Indian Nation who can be a Barrier to this Province against the Incroachments of the French on the Northwestward Frontier and who have in the most Earnest & pressing manner Implored your Royale Protection and the Assistance of your Subjects here.

That your Petitioners have ben at a very Considerable Expence in Supplying those Indians with Arms and Ammunition to defend themselves in the best manner they shall be able against their Numerous and Powerfull Enemys But your Petitioners have the strongest Reasons to fear that the Cherokees will not be able to hold out long against an Enemy who seem determined to destroy them or make them subservient to their long projected designs, and who by the many Nations of Indians under their direction & influence as well as their own Strength are so capable of Accomplishing their purposes.

That your Petitioners being truly sensible of the great

great dangers to which your Majestys Dominions in these parts will be exposed by the frequent & continued Enterprizes of the French, and how unable this Frontier Colony is to resist their Superior force, without your Majestys most gracious Aid & Assistance beg leave with the great est duty & Submission in the most humble manner to present their further Supplications to your Majesty.

Your Petitioners acknowledge in the most grate full manner your Royal care & concern for the Security & Protection of the Trade Commerce & Interests of your faithfull Subjects of this Province by the Ships of War Stationed here to guard our Coasts as well as your great goodness in sending Ordnance and Warlike Stores for the use of the fortifications which are to defend our Ports and Harbours But We most humbly beg leave to represent to your Majesty that not only the Settle ments on the Sea Coasts Extend near Two hundred Miles But in the Back parts of this Province We have a much larger Compass of ground which is difficult to defend in a Country thinly Inhabited where the Settlements Lye Scattered and remote from each other and where the Inhabitants without great prejudice & danger cannot be taken off from their Plantations & attending their Domestick Affairs Since on most Plantations

the

the number of Slaves greatly Exceed that of the White Inhabitants & in case of an Attack are to be guarded not only from revolting to the Enemy But raising Insurrections

Such being the Dangerous Situation of this your Majestys Province with the greatest Submission to your Majestys Wisdom your Petitioners beg leave to represent that it would Effectually contribute to their future Security if your Majesty should be graciously pleased to order three Independent Companies under the Command of your Majestys Governeur of this Province for the time being to be placed in Garresons on the frontiers of this Province.

Your Petitioners humbly beg leave to acquaint your Majesty that We have already a Fort which Commands the Entrance of our Principal Harbour called Fort Johnson Another on Port Royal River called Fort Frederick and another about 150 miles to the Westward of Charles Town called Fort Moore which guards a Considerable pass into the Indian Country and that your Petitioners propose with your Majestys permission to Erect another Fortress at a place called the Congarees or at such other place nearer the Cherokees as may be thought most Convenient to Support and protect that

People

People against the designs or Attempts of the French.

That such have been the Calamities & distresses of this Province that they have not been able to maintain in Garrison a Sufficient Number of Men in Fort Johnson and Fort Morre and that Fort Frederick at Port Royall has not been Garrisoned since the Expedition to St Augustine by above twelve or Eighteen men of General Oglethorpes Regiment which from their near Situation to Augustine have been Employed to maintain the Frontiers of Georgia.

That in the places humbly proposed your Majestys Independent Companies may be Commodiously Stationed and the better to Support them whilst they are under the Direction of this your Majestys Government The Governour Council and Assembly of this Province have resolved to provide Barracks for their Reception and annually to allow during such time as your Majestys Government of this Province shall Judge their Continuance necessary for your Majestys Service, an Addition to your Majestys pay of One Shilling Sterling per diem to each Subaltern Commissioned Officer, To each Sergeant four pence, To each Corporall and Drummer three pence, and to every private man two pence per diem.

That your Petitioners should not presume to make any

Application which might increase the Expences necessarily Occasioned by the just & necessary War in which your Majesty has been obliged to Engage. If your Petitioners did not realy apprehend the most imminent Danger from the Attempts which the French are now Actually carrying on in time of peace, And the still more vigorous Efforts they feared they will be compleat to make in case of a Rupture if no Stop is put to their progress by securing our frontiers And by Effectually convincing them that your Majesty is Determined to Support the Indians which are in Friendship with your Subjects, against Every Invader.

Your Petitioners therefore most humbly Pray that your Majesty will be graciously pleased to take the Circumstances of this Province under your Royal Consideration and to grant such Speedy and Effectual Relief as your Majesty in your great Wisdom and Goodness shall seem meet.

In the Council Chamber the 3rd day of June 1742

In° Jenicke Pres.t

In the Commons house of Assembly the 3d Day of June 1742

By order of the House W.m Bull Sun.r Speaker

Read } August 8th 1742
Read }

Ord.d that this to be a true copy Alex.r Foder Cl

B P R O South Carolina B T Vol 12 Grey

(24th June 1742)

At the Court at Kensington
the 24th June 1742
Present
The Kings most Excellent Majesty in Council

Whereas William Livingston Esq: hath Presented an humble Petition to His Majesty at this Board on behalf of himself and several others his Associates. Setting forth that there are great Tracts of uncultivated Lands in His Majestys Province of South Carolina the Property of no particular Person, That if these Lands were well Settled with Inhabitants cleared of the Woods and properly improved, the Province would be thereby greatly Strengthened and Enriched, His Majestys Quit Rents encreased; and the Trade and Navigation of this Kingdom advanced, since Rice (the present Commodity of that Country) Pitch Tar and Turpentine, Hemp and other Naval Stores, and in time even Silk and Wine, might be expected from thence, none of which interfere with the Trade of the Mother Country, but will be exchanged for the Manufactures of Great Britain, And therefore humbly Praying that a Grant of Two hundred Thousand Acres of Land

may

may be made to him and his Associates in that Province, and Proposing to Settle thereupon, One thousand Protestants within the Space of ten Years: — His Majesty this day took the same into Consideration, together with a Report of the Lords Commissrs for Trade and Plantations and also of a Committee of the Lords of His Majestys most Honourable Privy Council thereupon, and being inclined to give all fitting Encouragement for the Settling of Lands in the said Province, Is hereby pleased with the Advice of His Privy Council to Order that the Surveyor General of the Land in South Carolina or his Deputy, Do Survey and lay out for the Petitioner and his Associates the said Two hundred thousand Acres of Land in four different Parcels of Fifty Thousand Acres each, and that the said four Parcels be laid out as contiguous as may be, but none of them to be at any greater Distance than Ten Miles from some or other of them, Provided the said Land be not already Granted to any other Persons, and that the Petitioner do Pay the usual Fees for Surveying and Setting out the same — And His Majesty doth hereby further Order that the Governor or Commander in Chief of South Carolina for the time being, Do pass Grants under the Seal of the said Province to the Petitioner and his Associates of the said four

four Parcels of Land in such Proportions as they shall require of him, but no Proportion to contain less than twelve thousand Acres, and that the whole Lands be taken up and Surveyed and the Grants made by the Governor within Eighteen Months after the date of this His Majestys Order in Council, otherwise this Order to be void and of no effect whatever; and His Majesty doth hereby further Order that all the said Grants be past immediately upon the return of the Surveys made to the said Governor or Commander in Chief, and do bear equal Date with each other, Provided the said Land be not already Granted to any other Persons, And Provided also that the said Petitioner and his Associates do pay the usual Fees for passing the said Grants and do Settle on the said Lands One Thousand Protestants within the Space of Ten Years from the Date of the Grants, and at the Expiration of that Term they do Pay a Quit Rent of four Shillings Proclamation Money for every One hundred Acres contained in the said Grants, And that in case any Mines shall be found in the said Lands One fifth part of all Gold and Silver Ore and One Tenth part of the Ore of all other Mines and Minerals whatsoever be reserved to His Majesty, And His Majesty doth hereby further Order that a Clause be inserted in the

the said Grants to make the same void as to so much of the said Lands as shall not be Settled within the Term of Ten Years according to the propotion of One White Person for each Two hundred Acres of Land, with a Proviso, that till such time as the Crown shall think fit to resume the said Lands as forfeited for want of being so Settled within the said Term of Ten Years, the Grantees be obliged to pay the Quit Rent for the same thereof as well the Governor or Commander in Chief of South Carolina for the time being as likewise the Surveyor General of the Lands in that Province for the time being or his Deputy and all others whom it may concern are to take Notice and Govern themselves accordingly

A true Copy
H. Cary

Read Octo^br 29th
Read Novr 11 } 1742

B P R O A & K I vol 19 p 112

(1st July 1742)

My Lord Duke

I am Glad that I have the present opertunity of a Ship bound for England, by which I beg leave to acquaint yr Grace of an Affair of the utmost Importance to all his Majestys Domanions in America, namely that the Spaniards have on the 28th day of June last past actually invaded the Colony of Georgia with a formidable number of Land forces the number of vessels consist of three Ships of 20 Guns Two large Snows 3 large Scowners 4 Sloops the rest half Gallys who have entered St Simons Harbour on which General Oglethorpe was obliged to retire from his camp at St Simons to Frederica, Seven Miles up the River, where 'tis not expected he can long hold out against so great a force, the Land Troops being computed between two and three thousand, the total number of the Enemies vessels 32.

I have by the Advice of his Majestys Council here sent to the Governors & Commanders of his Majestys Ships of War in the neighbouring Colonys desiring their Assistance, and also Letters to General Wentworth, Governor Trelawny of Jamaica, & Admiral Vernon on the same Subject

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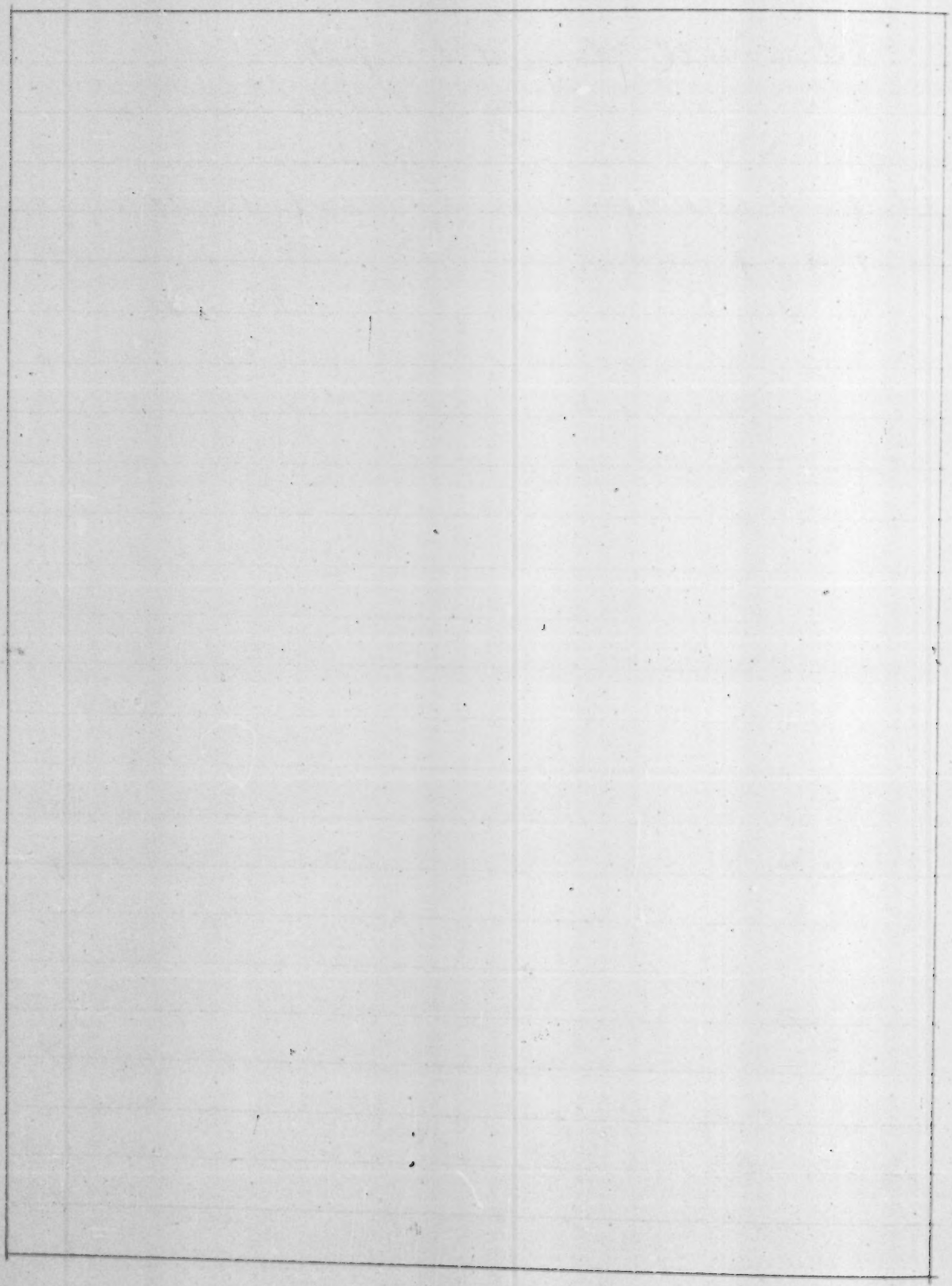
I further presume to acquaint Yr Grace that the Flamboro Man of War of 20 Guns and a row Galley belonging to this Government with two of his Majestys Sloops of War, the Swift and Hawk, are already dispatched from hence to the Assistance of Georgia, and in a day or two his Majestys Ship the Rye of 20 Guns together with another row Galley will Sail to its relief on this occasion such row Galleys as I formerly Applied for, would have been of Great Service against these Spanish Vessels, wch last get out of the reach of our Men of War by running into Shoal Water.

What further measures may be thought necessary to be pursued in Great Britain for the protection of these frontier Parts of His Majestys Dominions is humbly Submitted to His great Wisdom. And if We might be permitted with great humility to Suggest to His Royal Consideration what is thought to be of the greatest Security to these His Frontier Provinces it is, the Wresting absolutely out of the hands of his Majestys Enemies Fort St Augustine, for whilst the Spaniards are permitted to possess that Important place, we never can be Secure from Visits and Invasions of the like nature.

I

I am with the greatest respect
My Lord Duke
Yr Graces
Charles Towne So Carolina
the 7th day of July 1742.
most humble &
most obedt Servant
Wm Bull

To his Grace the [illegible]



B. P. R. O. South Carolina B. T. v. 27 p. 56

(3rd. August 1742)

To William Bull Esqr.
Lieut Govr of South Carolina.

Sir

Since our Letter to you of the 19th August 1741 We have received yours of the 10th of October & 17th of November 1741, with two of the 12th of April 1742, as likewise all the Papers referred to in the several Letters, except only the Collection of Laws, mentioned in your Letter of the 10th of October 1741, which We have not received.

Mr Hammerton it is true, in a Letter to Our Secretary, has inclosed a Collection of your Laws but as he does not mention the same to be sent by your Order We suppose that which you sent has miscarried.

We are sorry to hear that your Guardship the Tartar, was called home from you before another arrived, but hope that is supplied since.

We are pleased to hear you have kept so good a Correspondence with the Indians, that the Spaniards have no Reason to expect any Assistance from them; You will We doubt not, continue to cultivate the same good Understanding with them upon every Occasion that offers

offers, as likewise to prevent as much as may be, those in the French Interest from disturbing you, in case of a Rupture with that Nation.

We sent an Extract of part of your Letter of the 17th of November 1741 which relates to the Exchange of Prisoners with the Spaniards, to his Grace the Duke of Newcastle, in Order to have it laid before his Majesty, and hope that proper Care has been taken in the Affair.

We commend you for adhereing to strict Justice in the Case of the French Vessel, mentioned in that of the 12th of April 1742

We have had a proper regard to what you mentioned in your other Letter of the 12th of April 1742, relating to the Judge of the Admirally Court, and to a Commission for trying of Pirates, & as that matter is entirely under the Jurisdiction of the Admirally, We have sent a Copy of your Letter to them, and recommended the same to their Consideration, So We bid you heartily farewell & are

Your very loving Friends
and humble Servants

Whitehall
August 3d 1742

Monson. M. Bladen. R Plumer
B Keene. Tho Pelham

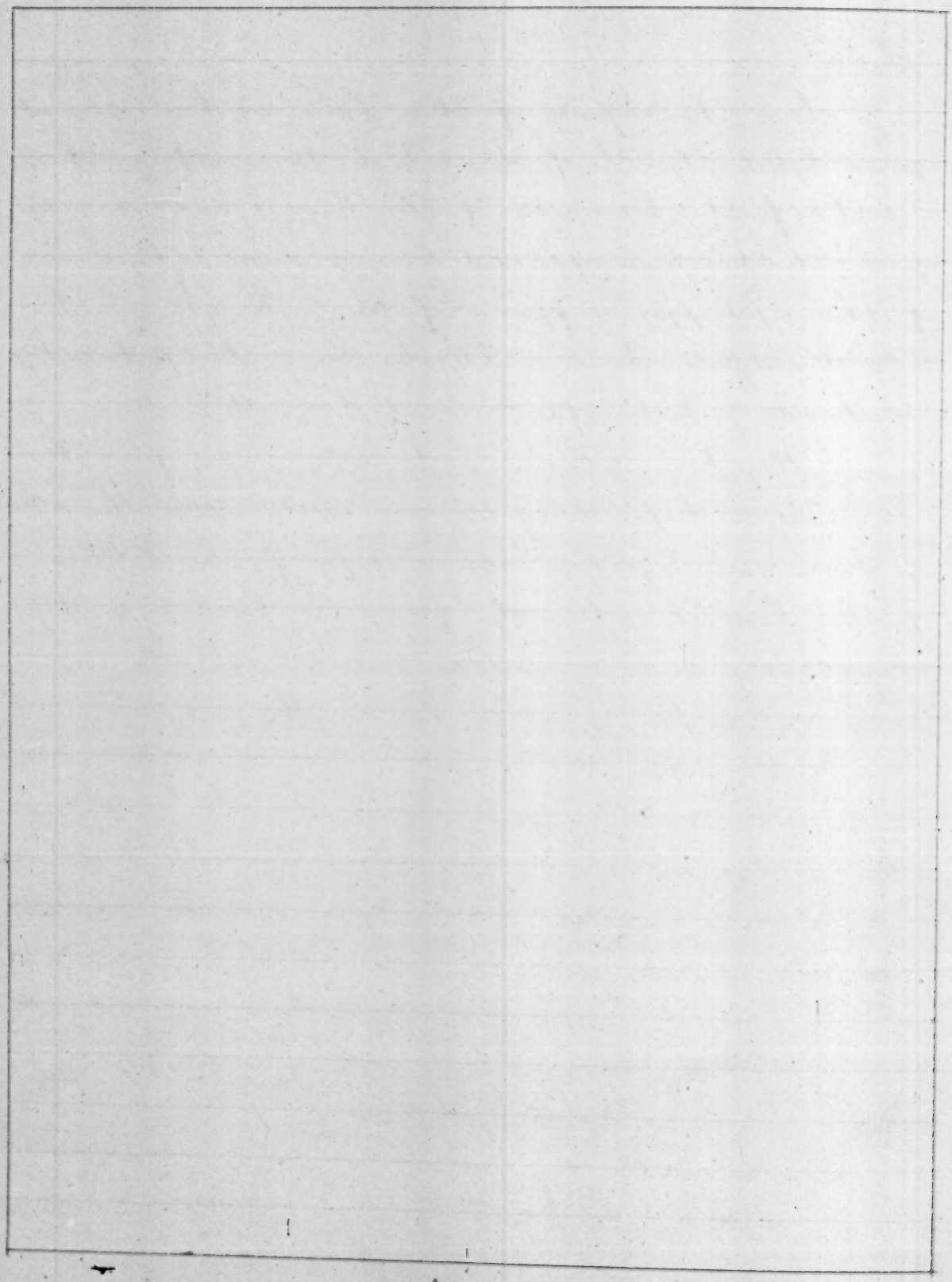
P.S.

P.S.

Since the Signing of this Letter, we have received Yours dated the 3d of June last transmitting the Report of the Committee of the Council and Assembly of South Carolina appointed to enquire into the Losses of the unhappy Sufferers of that Province, in the late dreadfull Fire in Charles Town, Certified under the hands & seals of the said Committee.

We have likewise just now received from Mr Abercromby & Capt Livingston your Letter dated the 10th of June 1742 together with a Copy of the Petition of the Council & Assembly of South Carolina to His Majesty.

Monson



B P R O. A. & W. I. Vol 19 p. 165

(17th. August 1742)

My Lord

I beg leave to lay before your Grace an Account of the measures concerted and carryed into Execution by the Government for the relief of General Oglethorpe since the first notice of the Spaniards making an Attempt upon that Colony of Georgia, which will appear in their proper Order by the minutes of Council which I have now the honour to lay before your Grace, for y^r more particular information therein, for which reason, I shall only presume to acquaint your Grace, that the Forces sent by this Province were as much as could be spared from hence and were got ready with as great Expedition as the fitting out so many Vessels and raising such a number of men from the different parts of this Province as were Sufficient to man them would admit.

And as in Obedience to his Majestys Commands I have used my utmost endeavours to give all the Assistance in my power to General Oglethorpe as far as was consistant with the Safety of this Province I humbly hope the proceedings of this Government on this Occasion will have the good fortune to meet with his Majestys

Royal

Royal Approbation.

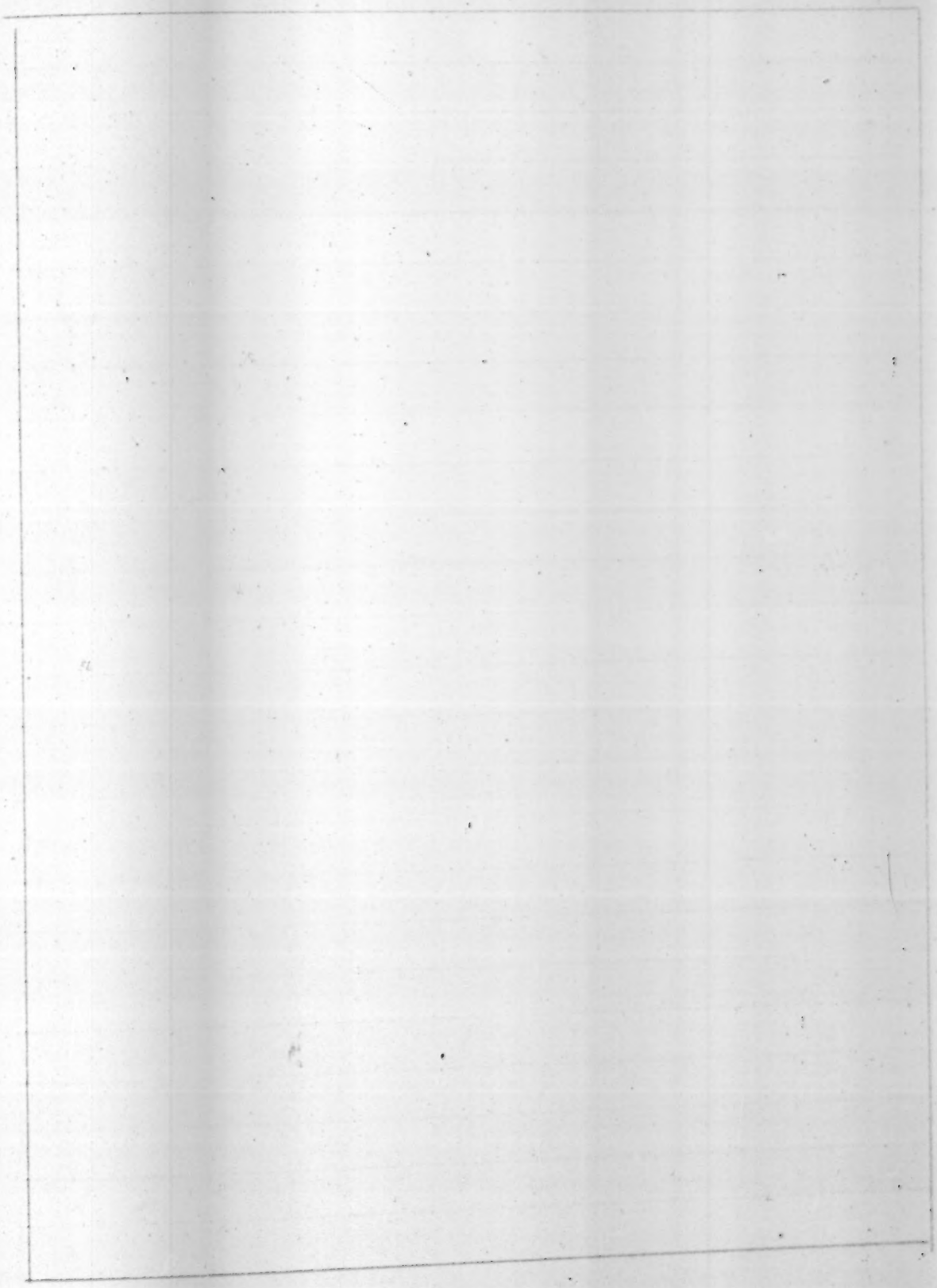
And I beg further to acquaint your Grace that I have by this Conveyance also transmitted a Representation of the defenceless Condition of Port Royal and the parts adjacent being the Southern Frontier of this Province and praying his Majestys Protection of these exposed Parts of his Dominions, and in behalf of this Province beg for & rely upon your Grace's wonted Goodness and powerfull Intercession for the Safety of this Province by laying the same before his most gracious Majesty, and recommending our dangerous Condition to his Royal Consideration

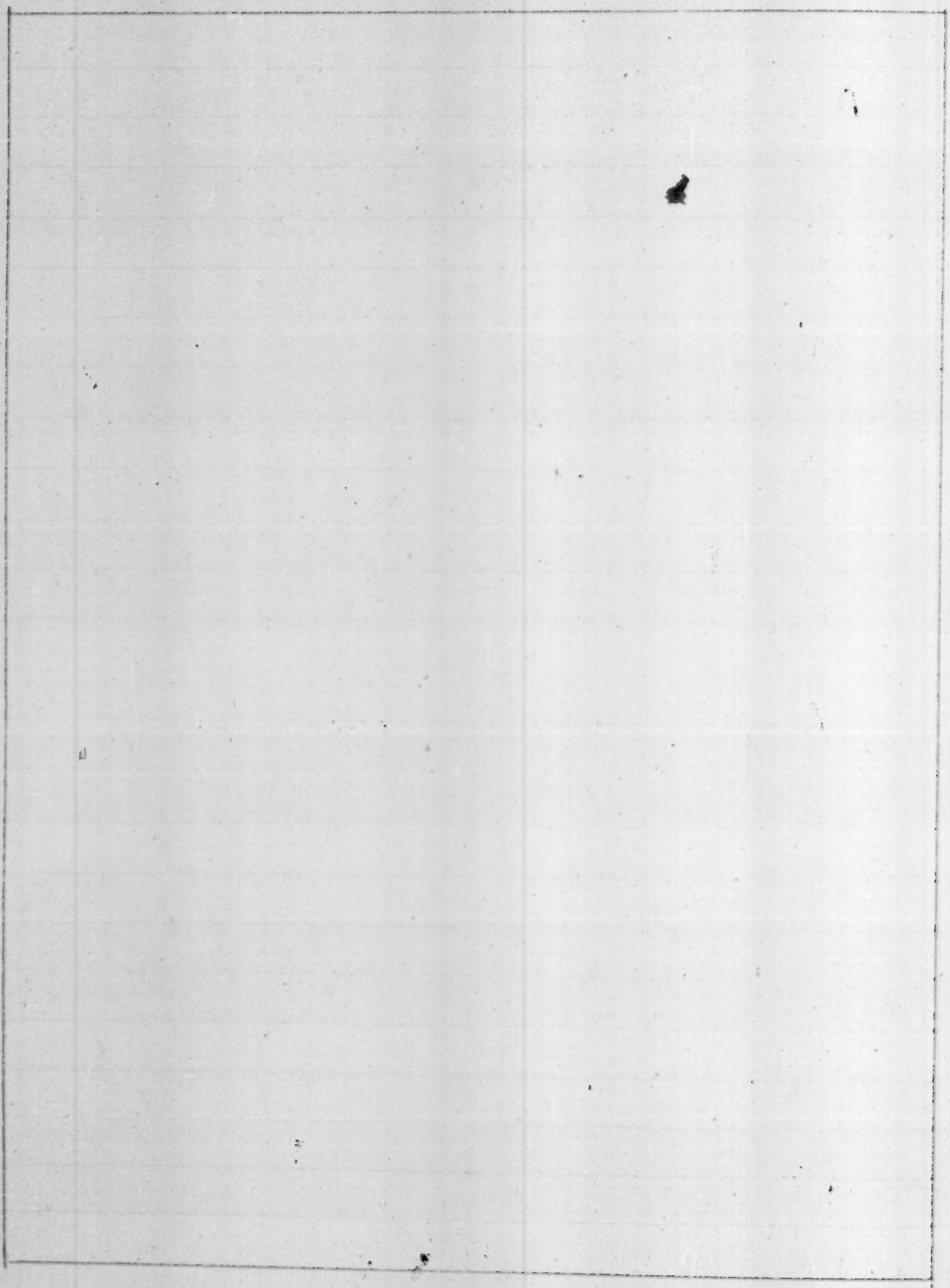
I am with ye greatest respect
My Lord
Your Grace's
most Obedient and
most humble Servant
Wm Bull

Charles Town S^o^ Carolina
August 17th 1742

To his Grace the Duke of Newcastle

N.B. A Copy of the above Letter & Representation was sent to the Lords Commissioners for Trade &c (See St P. vol 11 293)
The Representation mentioned above will be found under 3 Sep 1742





B P R O South Carolina B T vol 27 p 60

(20th August 1702)

To Henry McCulloh Esq Commissioner for Supervising, Inspecting & Controlling the Revenues & Grants of Lands in South & North Carolina

Sir

I am commanded by my Lords Commissioners for Trade & Plantations to acquaint you that they have received your Letter of the 12th of November last, together with the Representation annexed thereto, and the other Papers inclosed in it. They are to find by it that you meet with so great Difficulties in the business of your Office, which they had flattered themselves, from the Discourse they had with you at their Board, you would have been able to execute with great ease to yourself as well as Satisfaction to the Provinces. But as you have laid the whole matter with the several Articles of your Complaint before the Right Honble the Lords of His Majestys Treasury, I am, by Order from this Board, to inform you, that they do not think it proper to give you any Opinion thereupon, till they receive directions from the Treasury

I am

Sir

5704

Sir

Your most humble Servt
Thos Hill

B. P. R. O South Carolina B. T. vol 27 p 67.

(2nd December 1718)

To the Right Honble the Lords of the Committee of His Majestys most Honble Privy Council.

My Lords

Pursuant to your Lordships Order of the 24th of the last Month, We take Leave to lay before your Lordships the Names of the Persons whom We conceive proper to be inserted in the Commission to be passed the Great Seal, for the Tryal of Piracies and other Offences committed within the Jurisdiction of the Admirally in South Carolina, viz.t

James Glen Esqr His Majestys Captain General & Governor in Chief of the Province of South Carolina in America, or the Governor or Commander in Chief of the said Province for the Time being

The Vice Admiral, or Vice Admirals of the said Province for the Time being.

The Members of His Majestys Council in the said Province for the Time being

The Judge of the Vice Admirally in South Carolina, or the Judges of the Vice Admirally in the said Province for the Time being.

The

The Captains and Commanders of His Majesty's Ships of War within the Admiralty Jurisdiction of South Carolina for the Time being.

The Surveyor General of His Majestys Customs, in His Majestys Southern Provinces on the Continent of America, for the Time being

The First or Chief Justice of the Province or Supreme Court of South Carolina for the Time being

We are

My Lords

Your Lordships

most obedient and

most humble Servants

Whitehall
December 2d 1702

M. Bladen
Edw Ashe
Ja Bridenell
R Plumer
B Keene

B P R O Ac Ts vol 123

Charles Town S Carolina 2d Sept 1702

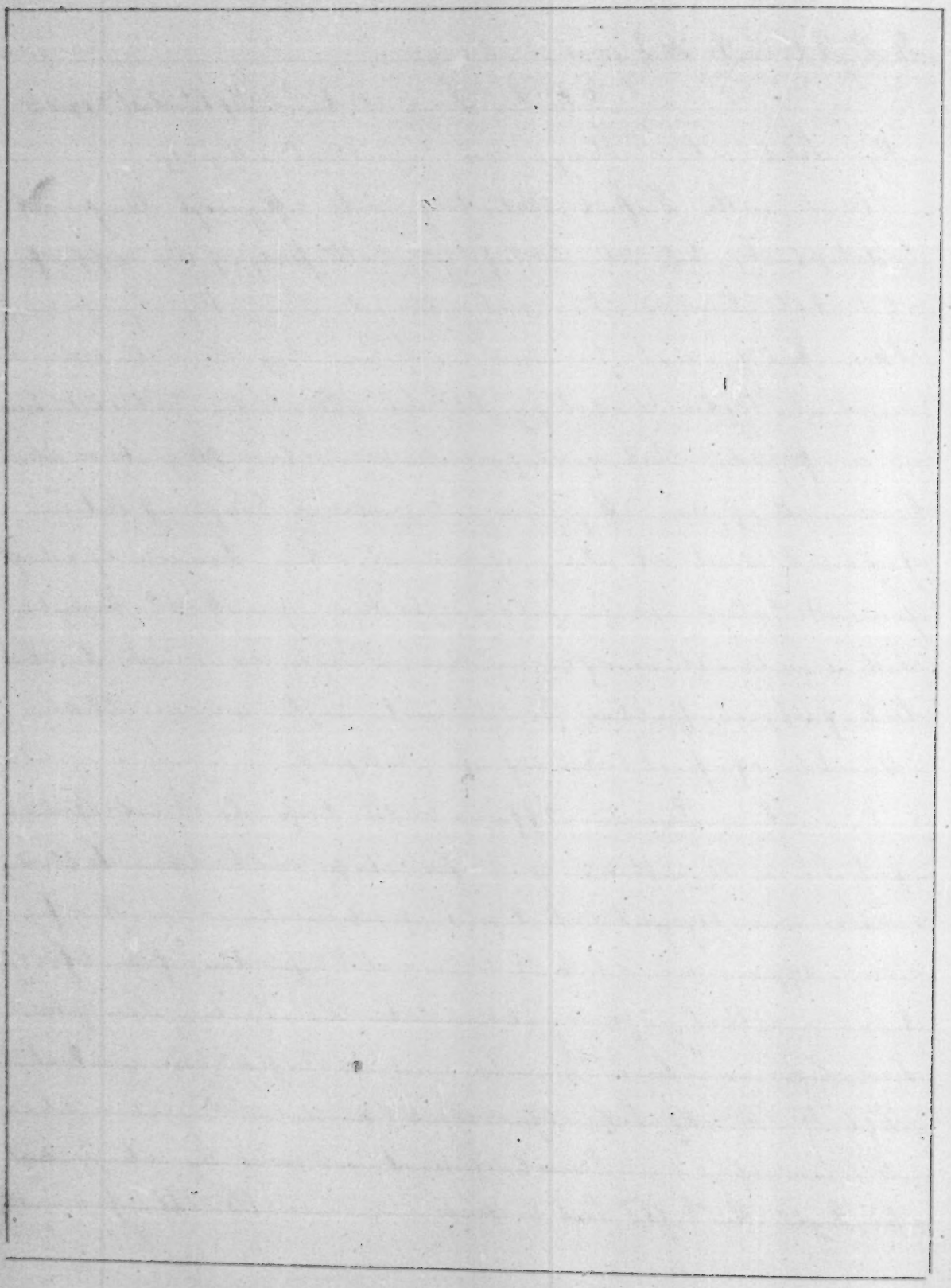
My Lord

As I had the honour to represent to your Lordships by Colonel Cock the Situation of our Affairs at that time & the application to his Majesty for three Independant Companies, I now beg leave to recommend to your Lordships Colonel Alexander Vanderdussen as a person well qualifyed to serve his Majesty in the Command of One of them He was Colonel of the Regiment sent at the Expence of this Province to assist General Oglethorpe in the Expedition against St Augustine and acquitted himself in that Service so much to the Satisfaction of this Government as to receive the thanks of both Houses of Assembly

His Private Affairs call him to Great Britain and he will attend your Lordship with this Letter & can give your Lordship a particular account of our Affairs at this time. I ask pardon for the trouble which I have taken the Liberty to give Your Lordship on this Occasion and am with the greatest respect, My Lord, Your Lordships

most Obedient and most humble Servant

The Right Honble the Lord Carteret. Mr Bull



B. P. R. O. Ay. W. I. Vol 623

(Enclosure to Col. Bull's Letter 17 Aug 1702)

(3rd September 1702)

To The Kings most Excellent Majesty

The humble Representation of your Majestys Lieutenant Governour and Council of your Majestys Province of South Carolina

Sheweth

That it is a great Concern to us, That this your Majestys Government, should so soon have Occasion to trouble your Majesty again with a Representation of the Imminent danger, which this Frontier part of your Majestys Dominions in America is exposed to by its Situation, and other Circumstances, both by Sea, and Land. But May it please your Majesty, Experience now, hath not only confirmed our former Apprehensions to be just, but hath convinced us, That the Spaniards are capable of making a much more formidable Invasion, than it was ever thought that they could have made by themselves alone; And hath at the same time, fully discovered, how open and naked this Coast lyes to Invasions, in such Vessels as the Spaniards now have, And how impracticable it is, to draw together the Militia of this Province (which is our only strength) in time to repel the same, insomuch that if some

spindy

speedy measures are not taken to prevent it, This
Province which now gives so considerable Employ to
numbers of your Majesty's Subjects at home & abroad,
& furnishes so many valuable and usefull Commodities,
is in the greatest danger of falling into the hands
of your Majestys Enemies. And if your Majesty should
find it necessary to come to a rupture with France,
It is certainly, without your Majesty's Interposition, Inevit
ables We should therefore be greatly wanting in our
Duty to your Majesty, if we did not upon this Occa
sion, lay the true state of our present case before
your Majesty, for y^r Royal Consideration.

That the Spaniards having formed a design, as
now appears, of reducing this Province, and the Colony
of Georgia, Did on the 6th day of July Enter the
Harbour of St Simons with a Fleet from Havanna, &
St Augustine; consisting of thirty Six Top Sail, and
other Vessels of which there was one Sattee or whole
Galley, and Six Quarter Gallies, besides other small
vessels fitt to go into shoal water (which is the
greatest security to most parts of this Coast against
large vessels) and mounting heavy metal in their Bows,
having passed the fire of the Battery at Genl Oglethorpe's
Camp at the mouth of St Simons, (And the General

having

having retired thence up to the Town of Frederica, they made themselves Masters of the same. And being joyned by Ten Sail more, about three thousand men were landed, under the Command of the Governour of St Augustine: made up of Regular Troops from Old Spain, Cuba, and La Vera Cruz Men, Mulatoes, Negroes and Sailors; but in their March to Frederica, being repulsed by the bravery of your Majestys Troops under General Oglethorpe's Command, and by your Majesty's faithfull Friends the Chickesaws Indians, being in this Government and other Indians then happily there, And three of your Majestys Men of War in these parts appearing soon after with one of Our Gallys in sight of St Simons And the Spaniards by some means or other being at the same time informed, that a powerfull Succour was coming from hence to the Generals relief, having left St Augustine very weak, and but little provisions with them, they Embarked again the fifteenth with great Precipitation tho not without first doing considerable Mischief.

That immediately upon Our receiving the first news of the Spanish Fleet having Entered St Simons harbour, the Assembly of this Province which was then sitting, chearfully & readily Impowered your Majestys Lieutenant Governour

Governour, by an unlimitted vote of Credit, to do every thing possible with the advice of the Council, for your Majestys service, by sending immediate Succour to your Majestys Troops, and providing for the protection of this Province and of Georgia; and the better to Enable him, to carry the same into Execution, they took the only method which they thought Effectual to raise a Supply for that purpose, in consequence of which your Majestys Lieutenant Governour, did with the utmost dispatch (besides the other steps taken by him) Equip in a Warlike manner, seven Vessels having about Six hundred Men on board, in the Pay of this Province (besides supplying the Generals Guard Schooner with Men which made her escape to this place) And sent them under the Command of the Commanding Officer of Your Majestys Ships, Stationed at this place, in conjunction with the said Ships, to the Assistance of your Majestys Troops at St Simons, but as the Enemy had quitted that harbour within Ten days after their first Entering into it. Those Vessels got there too late to cut off their retreat.

That the said Commanding Officer of Your Majestys Ships, Instead of pursuing the Enemy, and Attacking them if practicable, wherever to be found according to

according to our advice and opinion, delivered to him in writing, in case they should have retreated before his Arrival at St Simons, having Immediately Ordered back from thence to this place the Provincial Vessels, and immediately after followed them himself to Charles Towne Bar with your Majestys Ships therefore as it was not known where the Enemy was gone, whether they had dispersed their Fleet, or what were their further designs. His Government Ordered out the said Provincial Vessels again, in Quest of the Enemy under the Command of the Commander of your Majestys Ship Stationed at the Bahamas, which arrived here upon the Notice sent him from hence of the Spanish Invasion; And they are now out accordingly; And have been joyned by your Majestys Ship South Sea Castle Stationed at Virginia.

That We have had fresh Intelligence that Twelve Sail of the Spanish Vessels, were a few days since, lying in St Juans River (between Augustine and St Simons) with a part of the Spanish Forces which We are Informed are Erecting Fortifications there, And We have pretty good grounds to believe, that the Enemy will soon renew their attempt with better conduct: And in particular that they will be Supported by Sea against your Majestys Ships now in these parts

parts, by some larger Men of War from the Havanna. And it appears further by the Examination of Prisoners that the Number of Forces Embarked at Havanna, for the late Service was four thousand five hundred Men. And the number of Vessels much greater than have yet appeared.

That by the Examination of the said Prisoners. It is known to Us also that the Governour of Havanna's Opinion, was for their Fleet to have Entered Port Royal Harbour in this Province first, and there, fortify and make a lodgment; wherefore it is highly probable that the next attempt, will be made upon that place, or some other part of this Province, if not Charles Town itself which may be put in Execution without our having twelve hours notice thereof.

That it is not in the power of Our Militia to make any considerable Opposition to so great a force, timely enough to prevent their landing for the whole number doth not exceed four thousand Effective Men, which are dispersed over plantations, extending above Two hundred Miles in length, upon the Sea Coast, and near One hundred and fifty miles in depth, And part of them must be left in time of alarm, in their several Districts to guard against any In-

surrections

surrections wch might otherwise possibly be made at the same time by their Slaves, So that tho on so extensive a Coast as this is, abounding with Inlets, fit for such Vessels, as the Spaniards now have, the Enemy could land in many places, Yet should we know certainly before hand, the very place, where they would Attack, it would not be possible, as We have lately experienced, to draw together even Two thousand Men in less than a Week or Ten days.

That in respect to Port Royal in particular, it is an Island surrounded with deep rivers and Channels, having about forty familys upon it, and a small Fort and Town, in its present Condition not able to make much resistance, and as difficult for us to support, as it is easy for the Enemy to be Masters thereof; great however would be the misfortune to this Province, of their having once possession thereof, if they should from thence, put in practice the Scheme which We have been assured the Governour of Havanna proposed to be done, in the late Expedition, of exciting our Negroes (of which about fifteen thousand are Men) to Insurrections & Desertions thither to them, for tho numbers of Slaves, may be no doubt relyed on for their fidelity, And any of them that shall kill an

Enemy

Enemy in fight are (by the Laws of this Province) Intituled to their freedom, Yet some would certainly go over to the Enemy, and their Example would have bad consequences. In that place the Enemy could not feel the want of Provisions soon, for they would find large Stocks of Cattle, and other provisions round them And indeed the whole Coast is lined wth fertile Islands well Stocked.

That altho the principal Town and harbour of Charles Town, hath several Forts and Batterys, erected at proper places, in which most of the Cannon are mounted which Your Majesty was graciously pleased to send us; besides most of our old Cannon, yet the Enemy coming into the Harbour with a leading gale of wind and Tyde, may pass by Our Batterys (the Channel being prittly wide) without our being able to prevent them, or to do them so much damage, as will disable them from passing by, and Attacking us within Six hours after they first appear in sight; And if they should land their Men upon the back part of the Town immediately; As there are not in the Town above Seven hundred Men that bears Arms exclusive of transient persons, and the Town not yet made defendable on the land side by any works, it would

would in all probability fall into their hands with all our Magazines, Stores, Arms and great Booty besides.

We most humbly beg leave further to observe to your Majesty, that your Majestys very loyal Subjects in this Province, have been at very great Expences already in defence of the same, and in cultivating a friendship with the several Nations of Indians round it. They pay very large annual Taxes, for the charge of the Government, And indeed as chearfully as any people, but as the Charges of the late Expedition against St Augustine and those entered into on this last occasion, which are not yet put an end to, have already Entailed upon the people for Ten years to come, an additional Tax to these annual Taxes. If the Spaniards repeat their Attempts, whether they succeed or not, the very Taxes occasioned thereby will (We fear) oblige many of the Inhabitants to quit this Province and go into the Northern Colonys, by which means this Province will the more easily become a prey to the Enemy.

It is may it please your Majesty with the greatest humility and Submission, that your Majestys Lieut Governour and Council here, shall presume to point out anything which they think may obviate the Evils apprehended

apprehended: Your Majesty will we doubt not be graciously pleased to look upon the same as coming from hearts zealously concerned for the safety of any of your Majestys Dominions, and also for the Glory of your Majestys Arms, and indeed We think it our duty, in the Station your Majesty hath been pleased to place us, as We have the nearest and most intimate view of things upon the Spot, to acquaint your Majesty with whatever We think will tend to render your Majestys Province quiet and secure, And to frustrate the Intentions of your Majestys Enemys.

This may it Please your Majesty We apprehend may best be Effected

First—— By your Majesty being graciously pleased to Order Over at least One Regiment of Your Majesty's Troops (besides the three Independant Companys already petitioned for) for the Service of this Province, and under the direction of this Government, that they may fully answer the End, which will be always ready for action And to move towards any places, attacked at an hours warning, This will supply the Inconvenience arising by the natural difficulty of drawing together Our Militia upon any sudden Attack.

Secondly—— By some further Instructions being given to the Commanders of your Majestys Ships upon this Station

(if any shall appear to Your Majesty necessary) for We scarce know what are their Instructions; some of the Commanders producing them on their Arrival, and some not; And then reading such part as they please, and that cursorily without any Copy being left to have recourse to, to make them answer fully the purposes for which they are sent, many of the Commanders of such Ships, as have been Stationed here for some years declaring themselves accountable to no Authority here for any of their proceedings or behaviour have layd up in harbour as they pleased instead of Cruizing for the protection of Trade, whilst at the same time this Province has upon several Emergencies been obliged for that reason to fit out Vessels to do what was their duty to have done And in particular the present Commanding Officer of Your Majesty's Ships upon this Station, who from the time of his Arrival here the beginning of January last, never put to Sea again until he went to the relief of Your Majesty's Troops at St Simons in July, being expostulated with for not pursueing the Enemy upon their retreat so far as St Augustine, and destroying them there wth Your Majesty's Ships, and the Provincial Vessels, according to Our Opinion and Advice, It being apprehend by us that his

his so doeing would come within the very Letter of his Instructions from the Lords of the Admiralty; & replied by Letter, that instead of receiving the Opinion of Council it rather appeared to him they were inclined to direct him in this proceeding, as well as to censure those who were not, and he hoped never would be, under their Authority: And this We rather remark, because had that Officer pursued the Enemy as far as St Augustine, It is highly probable that he would have come up with many of their Vessels, for nine of Em were by our Gallies discovered lying in St Juans, after he returned from St Simons to this Bar.

Thirdly.—— By two of your Majestys Ships vizt Two Forty of fifty Gun Ships being Stationed at Port Royal; nothing less than such Ships with Gallies for Shoal water besides the Ships already on this Station, are capable of protecting that place: at the same time, as they did the Service of Guard Ships for the defence of the Southern Frontiers, they might in their Cruize upon the Coast, protect the Trade of the Province. And be ready also at any time to Join in any Expedition to be made in America. They would there have plenty of fresh Provisions, and anything else

which

which they might have occasion for, might easily be sent from Charles Town. This Step, would tend to discourage the Execution of the design formed by the Spaniards of taking possession of that Harbour, And at the same time would be a means of drawing many Inhabitants to settle the Town and part adjacent, which at present are more thinly Inhabited than the rest of the Province, because there is no manner of Security against the Attempts of the Spaniards, who have always had an Eye to that Harbour.

Fourthly—— By some of your Majestys Ships upon the Jamaica Station being ordered to Cruize about the month of May, on the North side of the Cuba, thence through the Gulph of this Coast. And having given what Intelligence they can to return to their Station, through the Windward Passage. And to Cruize again in like manner about the month of October; by this means We might have timely notice of any preparations of the Enemy: Those Ships might fall in the way of their Embarkations, be doing their Duty in annoying the Enemy in their Privateers and Merchantmen and greatly distress the Havanna itself.

Fifthly and Principally, by reducing St Augustine itself the

the rendezvous of many Privateers and of all Naval Armaments which have already or may hereafter Annoy your Majesty's frontier Colonys, And until that is Effected they never can have any rest or quiet We are humbly of Opinion that this Thing may soon be done with little or no additional Expence to your Majesty, by sending from Jamaica some of the Fifty or Sixty Gun Ships and a part of Your Majestys Troops there, in the Spring or Autumn which in Conjunction with the Troops under the Command of General Oglethorpe and your Majesty's Ships on this Station, together with some Small Vessels also from this Province cannot fail of proper measures are well concerted and conducted of reducing that place very soon

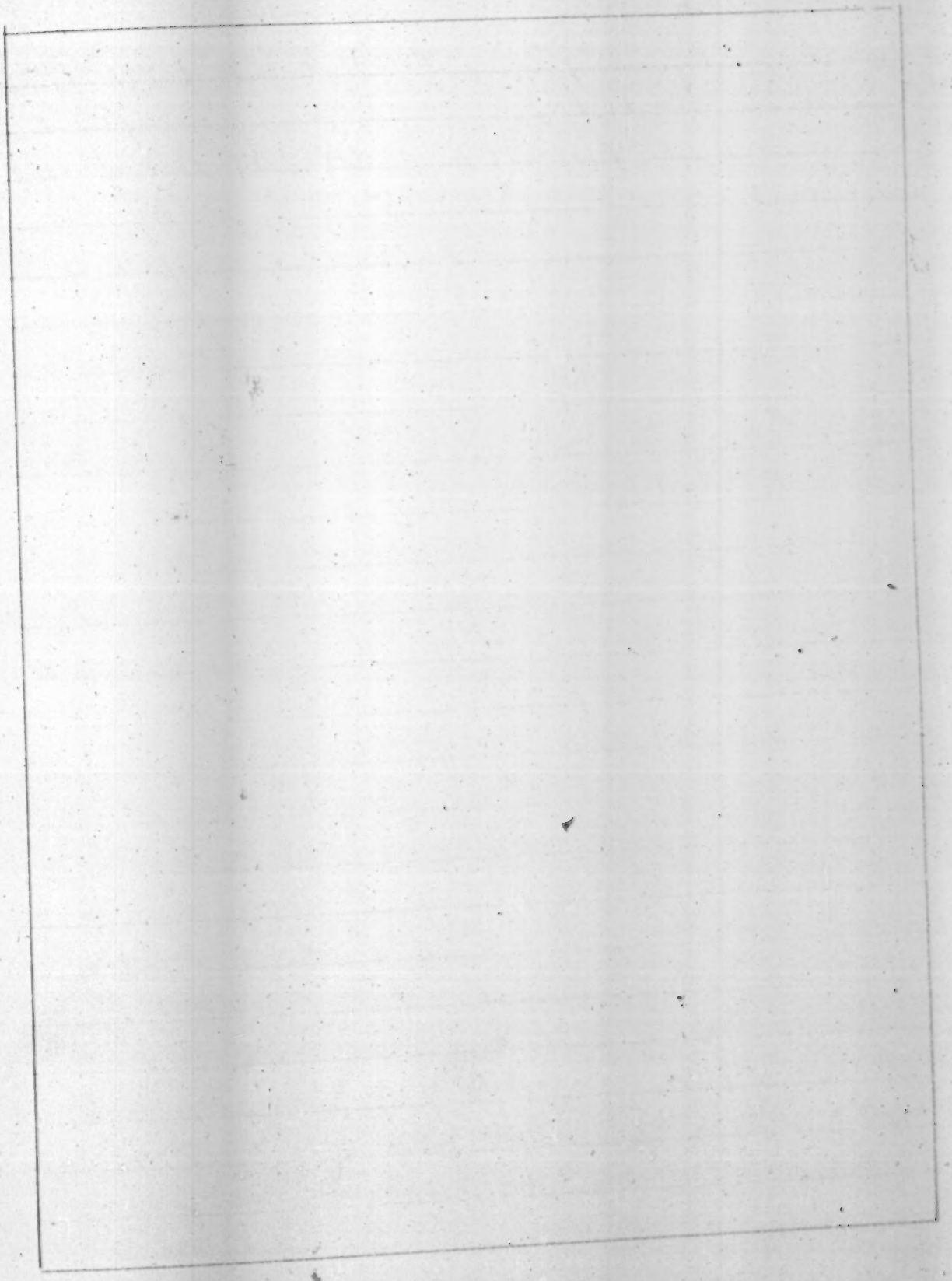
All which is most humbly laid before Your Majesty by us, being truly sensible, from your Majesty's well known paternal Care, of all your Subjects; And the particular regard your Majesty hath already shewn to this Province; That your Majesty will grant that relief, which to your Majestys great Wisdom, shall seem meet.

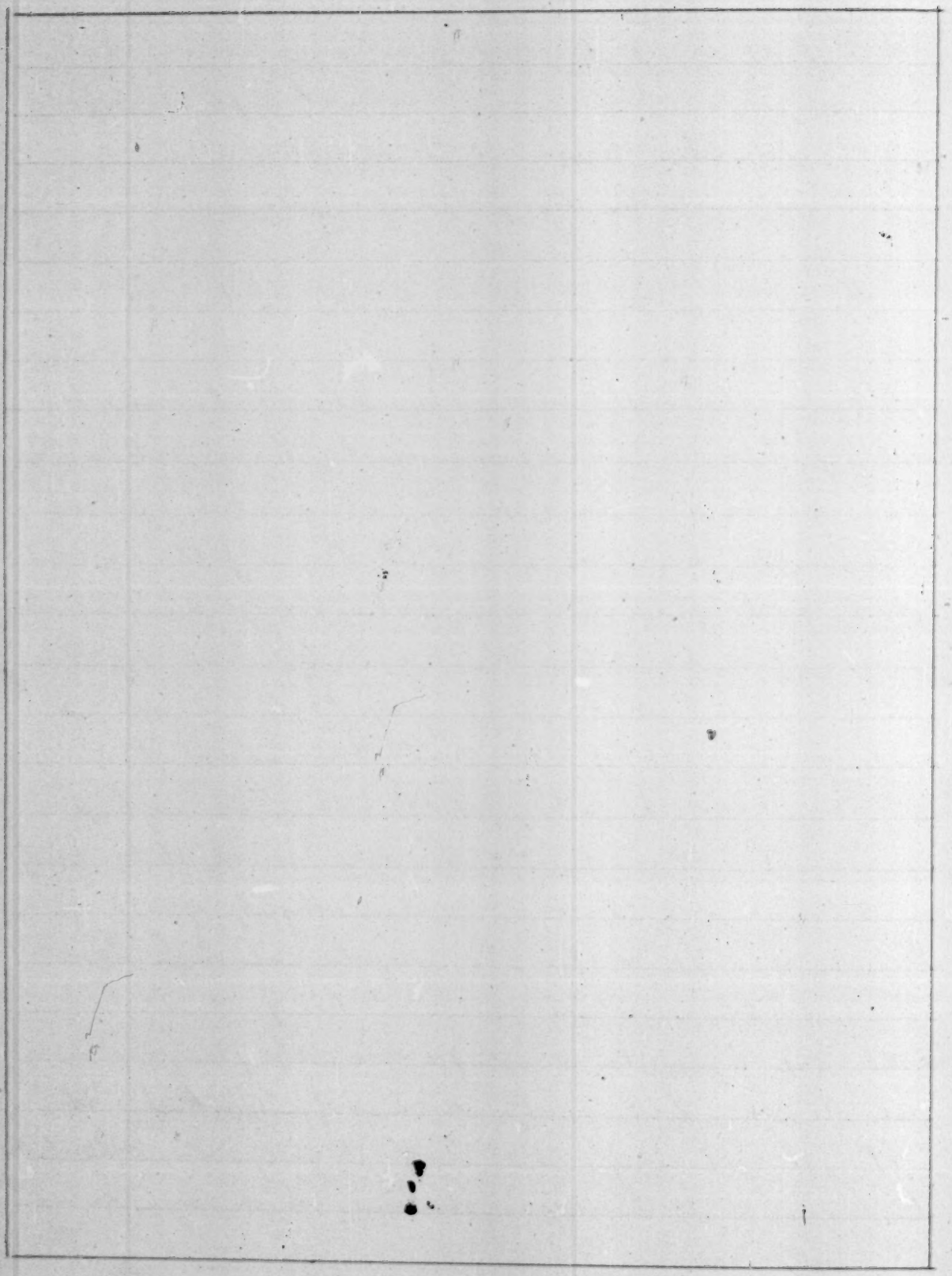
In the Council Chamber the 3d day of September 1742

Wm Bull, Jno Fenwicke, Jos Wragg, J. Hammerton, J. Colleton

Edm. Atkin, Joseph Blake, Wm Middleton, Chs Pinckney

Richard Hill.





B P R O South Carolina B T Vol 12 Y81

(15th September 1742)

At the Court at Kensington
the 16th day of September 1742
Present
The Kings most Excellent Majesty in Council

Whereas the Right Honourable John Lord Carteret hath by Petition to His Majesty at this Board humbly represented that under Letters Patents granted by King Charles the Second he is entitled to one full undivided Eighth part of the Provinces of Carolina and also of the Arrears of Quit Rents and other Dutys Reckonings Claims and Demands and humbly praying that his said Eighth part of the Soil of the said Provinces and Territorys may be Sett out and allotted to him in such part of the said Provinces and Territorys as shall be Agreed on between such Persons as His Majesty shall be Pleased to Appoint for His Majesty and such Persons as the Petitioner shall Name on his part To have hold and Enjoy the same for ever hereafter in Severalty to the Petitioner his Heirs and Assigns together with all and every the same Royaltys Powers Libertys Franchises and Privileges the Government thereof and of

of the said Provinces of Carolina only excepted) as far as concerns such Eighth part to be so Allotted to the Petitioner as he is Entitled unto under the said Letters Patents and an Act of Parliament passed in the second year of His Majestys Reign For Establishing an Agreement with Seven of the Lords Proprietors of Carolina for the Surrender of their Title and Interest in that Province to His Majesty in case such Division or Allottment was not or should not be made and under the like Quit Rents Proportionably as is mentioned in the said Letters Patents according to the Petrs Proportion or Eighth part thereof, And thereupon the Petitioner humbly Offered and Proposed to Surrender to His Majesty His Heirs and Successors his Share and Interest of and in the Government of the said Provinces or Territorys and to convey Release and confirm to His Majesty His Heirs and Successors the other Seven parts of the said Provinces — His Majesty in Council was this day pleased to take the said Petition into His Royal Consideration together with the Opinion of a Committee of His Privy Council and of the Lords Commissioners for Trade and Plantations thereupon, And is hereby Pleased to Order that the respective Governors of the Provinces

of

of South and North Carolina or either of them as His Majesty shall hereafter be Pleased to Direct Do Nominate and Appoint proper Persons to be Commissioners on His Majestys behalf not exceeding five who in Conjunction with a like Number of Persons to be appointed by the Lord Carteret as Commissioners on his behalf are hereby Empowered to Sell out and Allott to the said Lord Carteret one full Eighth part of the said Provinces of Carolina in such part or parts of the said Provinces and Territorys as shall be agreed upon by the Commissioners so to be appointed as aforesaid And that the said Commissioners Do make a Return of their Proceedings herein to His Majesty at this Board within Eighteen Months after the Date hereof and that they do at the same time transmit to His Majesty a Plan containing a full and exact Description of the said Lands together with the respective Boundarys thereof in Order to His Majestys Signifying His Royal Royal Pleasure in case His Majesty shall Approve thereof for Conveying the same to the said Lord Carteret in such manner as shall be advised by His Majestys Counsel learned in the Law Provided the said Lord Carteret shall at the same time make a Surrender to His Majesty of all his

his Pretensions to the Government of the said Provinces of Carolina and Do convey Release and confirm to His Majesty His Heirs and Successors the other Seven Parts of the said Provinces— And for the better Guidance of the Commissioners so to be appointed on His Majestys behalf in the Discharge of their Duty herein His Majesty Doth hereby further Order that the said Commissioners Do follow and Observe such Directions and Instructions as may be found necessary to be given them from time to time, either by His Majesty or by those who Act under His Majestys Royal Authority

A true Copy
N Sharpe

Recd Octo 29th
Read Novem 11 } 1742

B. P. R. O. Ad. M. I. Vol 19 p. 158.

(18th October 1742)

Extract of a Letter dated 18th October 1742 from Benj. Whitaker Esq. Chief Justice of the Province of South Carolina to Colonel Vanderdussen in London

Capt Fownell who was sent to Santa Cruz by Admiral Vernon with the Equipage & some of the Family of the Late Vice Roy of Mexico, was contrary to the Laws of Generosity as well as of Arms, Whether he went with a Flag of Truce detained therefore 20 Months Capt Fownell You know, was in the So Sea Company's Service, has had a long Acquaintance with the Spaniards, Speaks their Language perfectly well, & is an intelligent man; he has had a good deal of time to make Enquiries & Observations, and by being intimate with some of the principal people of the place, he had Opportunitys, which I dare say, he has endeavoured to improve for the Service of his Country I have had a long Conversation with him. He Says that the Spaniards in their publick papers, which they disperse with great Industry, thro' the Kingdoms of Mexico & Peru, make the greatest Jest, Burlesque & ridicule of all our American Expeditions from Cartagena

to

to Augustine: That at the River Chagre & the Attempt against Panama they treat with the utmost derision. Their Ports are full of French Ships, and there is a greater plenty of Goods throughout the Kingdom of Mexico, than there ever was known since the Conquest of it. The Spaniards have minute & particular Accounts of Every Step that is taken either in the West Indies or here. He had from them an Exact Detail of the late Expedition against this place and Georgia with their Views & Designs, besides what we have already heard. Their Scheme was to have divided their Forces. Whilst their main Body were diverting the General at Frederica, they were to have landed 2000 Men at Port Royal & Built a Strong Fortification there & as soon as they had possession were to have sent to the Havannah for 50 & 60 Gun Ships which lay there ready to cover them. They had several English Negroes, to whom they have given their freedom and Money to Disperse themselves through out this Country and to encourage our Negroes to destroy the White people and that the Spanish mixed Brood were encouraged to put all to the Sword whom they could conquer, to Discourage any of our people from Settling to the Southward. They made no Scruple to tell that they

they had an Engineer at Port Royal above Six Months who disguised himself in a frock & Trousers, and that notwithstanding the Disappointments they had or might meet with, they had orders from their King never to Desist, till they had dispossessed the English at Georgia & Port Royal. The accounts Capt Jounell gives exactly tally in all particulars with what we heard before you left us.

He also gives a particular Account of our friend Commodore Anson. He watered at a place about 6 leagues off from Aquapulco, when his own Cook & Frenchman asked leave to go ashore, & Straggling not many Yards in the Bushes from the watering place, the Spaniards laid hold of him, bound him & sent him to Mexico, and after Examining him very strictly, to Lavera Cruz, where he was close confined, & nobody Suffered to Speak to him, and was sent Prisoner with the Sea factors to Spain. Capt Jounell was permitted to go two or three leagues to Sea with the Factors, which gave an Opportunity to Speak with the Cook who gave him an account that the Commodore, when the Cook was taken, had fill'd all his water in April last, & was to Sail for India in two or three days with the

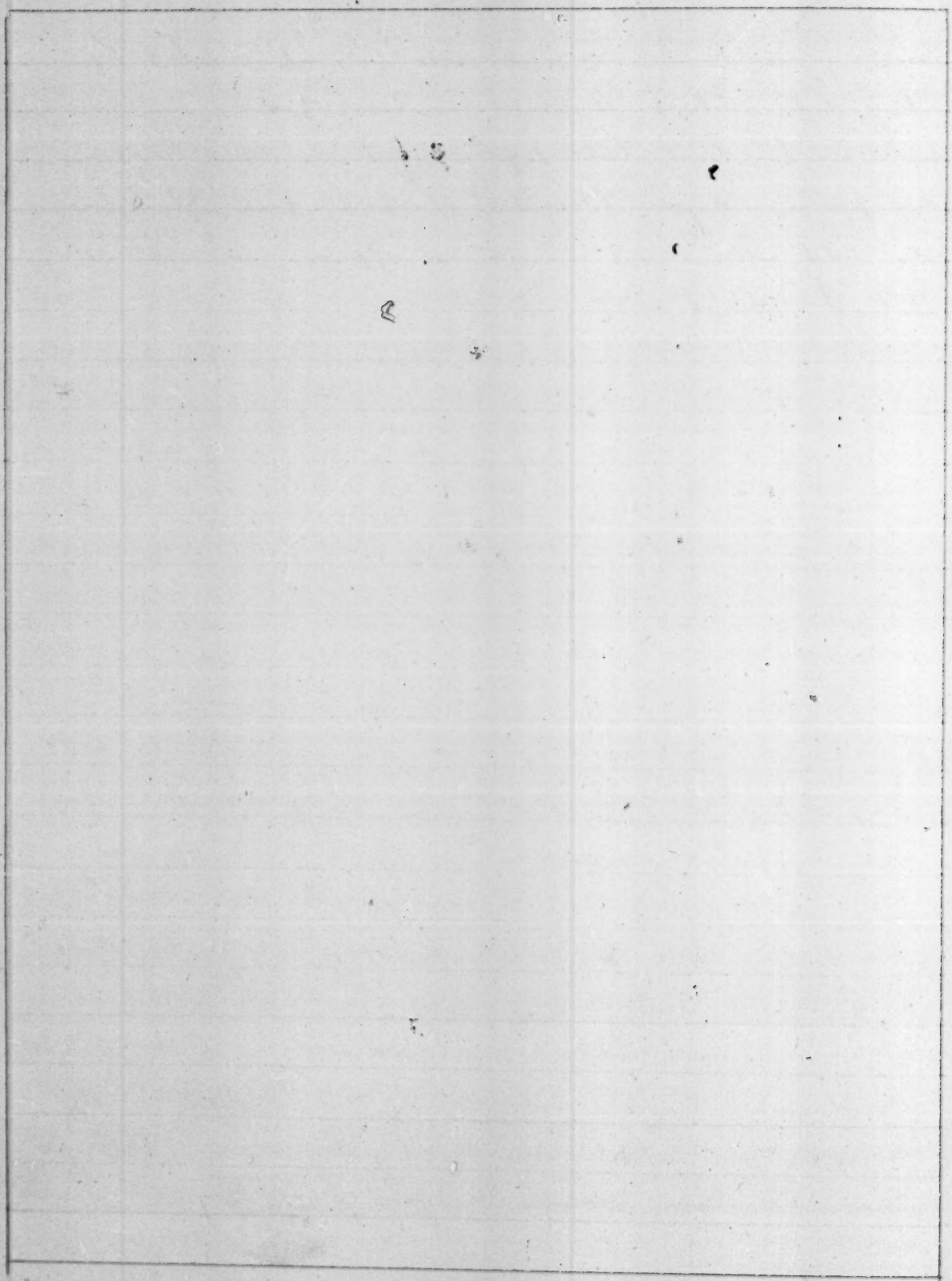
Centurion

Centurion & a 80 Gun Ship only, that after they had done all the Drudgery, he had sent all the Spanish Prisoners ashore, & that he had then only 300 Men in both Ships, that the Store Ship the Wager was lost in a Storm, that another of the Ships was so Shatter'd that they sunk her, and that they supposed the Severn & Pearl was lost, That they had taken the Town of Chile, carried off the Treasure, & laid it in Ashes, that they had taken Eleven Priges, and had cruyed Six Weeks for the Aquapulco Ship, but before they could get there, Couriers had been sent by Land & gave notice, so that the Money was landed & carried 40 Leagues into the Country, & the Town strengthened with 1500 Men, Least they should Enter That the Spaniards Computed that the Commodore carried off five Millions — I suppose pieces of Eight.

As the Forces which are come to our Assistance from Jamaica, sailed with the London Fleet from that place, I suppose you have heard of it before this will reach You. I know nothing of what is going forward, but I suppose they'll stay till they hear whether the Orders, which are said to have been sent to Genl Wentworth and Admiral

Vernon

Vernon, are to be carried into Execution. I believe they like their Winter Quarters. Colo Duroure Commands, Lieut Colo Loftis dyed in the Passage. I suppose Major Forrester Succeeds him. there are 490 odd Men and about 31 officers, Some Sickly, but I think not many.



B P R O South Carolina B T Vol 12 1690-92

(20th October 1702)

My Lords

I beg leave to lay before Yr Lordps Copies of the Several Letters I received from Admiral Vernon, General Wentworth & the Govt of Jamaica upon the notices I gave them by sundry Expresses of the Attempt made by the Spaniards on the Colony of Georgia and of their Designs on this Province; In Consequence of which the Admiral and General thought proper to send hither from Jamaica an Assistance of five hundred Land Forces in Transports, under the Command of Colonel Durouse, and Convoy of his Majestys Ships Shoreham, & the Spy Sloop, all which arrived safe in the Harbour on the 13th instant upon which a Council of War was immediately held in my house, a Copy of the result of which, I beg leave to send here inclosed for Your Lordps perusal.

I am now to acknowledge the honour I received of a Letter from Yr Lordps of the 3d August: With regard to the Collection of Laws, which Mr Hammerton sent Your Secretary, and mentioned in your Letter, I must own they were intended by me to be directed to Your Lordships, and sent together with the Letter which I perceive have been received by Your Lordships; wherefore I

am

am Sorry Mr Secretary should have neglected to have fulfilled the directions I gave him on that Account. I am with ye greatest respect

My Lords

Your Lordships

Charles Town 20th October 1742 — most Obedient humble Servant

(The Right Honble The Lords of State) — Wm Bull

(Enclosure)

At a Council of War held at Charles Town South Carolina the 13th October 1742.

Present

Honble Wm Bull Esqr

Captain Frankland — Coll Durowre

Captain Brodrick — Major Forrester

Upon Application to William Bull Esqr Lieut Governor of South Carolina to know in what Situation the Colonys of S^o Carolina & Georgia were, and whether they apprehended any danger from the Enemy, He assembled the Council and informed us that they had nothing to fear from the Enemy at Carolina but could not acquaint us with the state of Georgia.

It was unanimously agreed that Capt Broderick and Coll Durowre should each send a letter to General Oglethorpe

Oglethorpe to acquaint him of the Arrival of the forces here and to desire to know the Situation the Colony of Georgia is in, the best advices he could get of the Enemies position and Designs, and what he judged most for his Majestys Service to be done at this present Juncture, and that Capt Fowler should be dispatched express to General Oglethorpe in his Majestys Sloop the Hawk to Georgia, and the forces to remain here till the Hawk's return with ye Generals answer.

Given under Our hands at Charles Town South Carolina this 13th October 1742.

Wm Bull
Thos Frankland
I Duroure
Thos Broderick
James Forrester

A Copy

(Enclosure)

At a Council of War held on board His Majestys Ship the Boyne the 12th day of August 1742.

The Council of War being Assembled for taking into Mature Deliberation, the Intelligence Sent them by

by William Bull Esquire from South Carolina dated the 7th of July last.

Had the said Letter and Affidavit read to them, and had then read to them, the Information of Captain Chamber, Captain Swanton and Lieutenant Graham, three Experienced Sea Officers, who had been the latest employed in those parts both in regard to the Situation of those ports and the Season of the Year.

And they had likewise read to them a Letter from Captain Brodrick of the 8th July of the Spanish Squadrons being at the Havanna on the 15th June, which appears to be a Squadron of equal force to his Majestys Squadron here who have many Extended Services to employ themselves upon.

And it Appearing likewise from the Intelligence procured by the Prize taken by Captain Durrell in the Seahorse that the Spaniards in Cuba have lately received a Reinforcement from Spain of near a thousand Men, half Dragoons of the Regiment of Almanza, and half foot of the Regiment of Portugall; and by former Intelligence knowing they have large Bodys of Regular Troops, at the Havanna, besides a large traind Militia, So that even their Land forces, We Apprehend to be Superior, in Number to the Regular forces of his Majesty

We

We have in this Island.

And had likewise read to us the Information of a Master of a Ship that came from New York on the 18th July who says the Commerce intercourse between Carolina and New York is but 8 or Ten days and that when he came away there was no advice at New York of any Descent being made by the Spaniards at Georgia.

And Mr Wentworth Informed the Council of War he Apprehended the Number of Well Men fit for Service of the Troops under his Command were Little more than three thousand Men including those on board his Majestys Ship

The Council of War taking the whole into Mature Deliberation are unanimously of Opinion that it would not be prudent to send any Detachment of his Majestys Forces to Sea, in regard to the present Hurricane Season till the time of the New and full Moon of the August Moon has ben passed four days. that being deemed by the Admirals and all Sea Officers Examined, the most dangerous Season of the Year for Apprehending it, which as the full Moon of August will not be till the 3d of September will be to the Seventh of September next.

And

And are unanimously of Opinion, that in regard to the Resolutions of our Councils of War of the 28th June and the 22d July, And the present Intelligence now sent us by William Bull Esquire, We ought to have all the Transports in Condition for putting to Sea, against that time, with the Forces Embarked on board them, for proceeding as by Subsequent Intelligence, that shall appear to be most for his Majestys Service.

And as the Proceeding on the Rattan Expedition may be of Great use, as a Seasonable Diversion to the Enemy as well as for the Valuable uses, Set forth in the Resolutions of Our former Councils of War, we think they ought Immediately to proceed on it.

E Vernon
Thos Wentworth
C. Ogle
Will Blakeney

I agree to the above Except as the Sending out the Detachments to Rattan for which I offered my Reasons

Edw Trelawney

The following is annexed at the desire of General Wentworth and Brigadeer Blakeney

We are of Opinion as the preparation is made and the

the Ships are ready to Sail, that the Expedition of Rattan should go forward, to which our principal Motives are the Assurance Given by Admiral Vernon to the Council, That the Detachments going on that Service can be Exposed to Little or no danger from the Numerous Garrison at the Havanna, And as the two hundred Men Designed to remain there are American Soldiers who have most of them offered themselves as Volunteers with a design to Settle, And We believe May be better Employed on that Service than any other

Thos Wentworth
Will Blakeney

(Enclosure)

Copy of a Letter from Admiral Vernon, being in answer to an Express Sent him by his Honour William Bull Esquire Lieutenant Governour of South Carolina.

Sr

I received your Letter of the 7th July on the 6th August in the Evening and Summoned the General Council of War for taking it into Consideration on the 7th And tho' there Appeared only my Brother Admiral and my Self, We proceeded Immediately to deliberate upon it and drew up

up such Resolutions as We Judged most for his Majesty's Service a Copy of which is Transmitted to the Secretary of State by the Strafford Captain Trevor who Sailed Convoy to the last Fleet from hence on the 9th Instant.

But our absenting Members having desired a New Council to be Convened We Accordingly all Met on the 12th Augt on board his Majestys Ship the Boyne; And I transmitt you Inclosed a Copy of the Resolutions of Our Said General Council of War, And You may be assured that every thing will accordingly be in a readiness against the time therein Mentioned for Sending to Your Assistance Such a Detachment of his Majesty's Forces as Your Occasions may require and can with regard to the Security of this Island be Spared from hence.

You will Observe in the Resolutions a Ship is arrived here that left New York the 18th July without the least Intimation of any Descent of the Spaniards being arrived there, And We have another Ship Since Arrived from Boston without Meeting any Advice about it.

I am glad to find by Your Messenger Mr Mason that You had three of his Majesty's Frigates in Your Harbour, when he came away from which I hope you can be in no Danger in Your Province, and know those Ships have all Orders for Joining for the defence of any

of

of the Colonies that shall be Attacked.

And as this Embarkation is mentioned to consist in Launches and Small Vessels, We conclude they came within Land and do not think their views Extended farther than Destroying the Hulls in Georgia, not having heard that there is yet much form of any Regular Settlement there tho' the Nation has been at so Considerable an Expence as Ten thousand Pounds a Year for so many Years to Enable them to do it, And upon Enquiring into what Situation they are in, for their defence there, it could not but give me a Sensible Mortification to find, that so little had been done towards having any other place Capable of defence from all the large Sums that have been given by Parliament for it, And whatever Misfortune may have happened, I think it will be Owing to the Shameful Neglect of the Governour in that particular.

Hearing nothing from Your parts Since, I Conclude An Argument in favour of our Conjecture, But I shall nevertheless have a Sufficient Convoy at all Events, ready to Sail from hence in Ten days, if future Advices shall make it appear to be necessary to run any Extraordinary risk.

I send you likewise inclosed a General Order to be Delivered

Delivered to the Commanding Officer in your Port Agreeable to His Majesty's general Orders for the preservation of his Northern Colonies. I am

Sr

Your most Obedent
humble Servant
E. Vernon

Port Royal, Jamaica
13th August 1742
Wm Bull Esqr

(Enclosure)

By Edward Vernon Esqr Admiral of the White and Commander in Chief of his Majesty's Ships and Vessels employ'd and to be Employed in ye West Indies.

His Majesty's Instructions appointing me Commander in Chief of all his Majesty's Ships and Vessels employ'd and to be employed in the West Indies, and mentioning in the said Instructions, that all Ships Stationed in the Northern Colonies, had Orders to Assemble for the Defence of any one of them that should be Attacked.

You are hereby Required and directed strictly to Conform to such his Majesty's Paternal Care, for the General Defence of His Northern Colonies, and to Assemble accordingly and proceed to the Defence of the place Attacked, Agreeable to the Resolutions of a Council of War of the

Captains

Captains Assembled, to Consider how you can most effectually do the Same, according to such Advices as you may have of the Enemies Strength and design. For which this shall be to you and every one of you a Sufficient Warrant. Given under my hand at Port Royal Jamaica the 13th August 1742

E. Vernon

To the Commanding Office of his Majesty's Ships at S. Carolina and Copy's of it to be transmitted from time to time to the Commanding Officer of the Ships Assembled

By Command of the Admiral
Wm Pearse

A. Copy

(Enclosure)

Copy of Admiral Vernons Letter to the Honble William Bull Esquire.

Sir

On the first of this month of September I received from David Marshall, Master of the Joseph Schowner your two Letters from Carolina of the 20th and 24th July with the Inclosed Affidavit of Stephen Bedon

And I have had a General Council of War Assembled

led on Board the Boyne on the 4th Instant, in which we have Maturely taken into deliberation both the Advices you sent us, and what came by other ways to Our hands; and have taken such resolutions on them as I doubt not will be Acceptable to you, and all under your Government, the particulars of which will be Improper to send you an account of by this Schooner, who Says he designs to Sail in Return to you tomorrow for fear he should fall into the Enemys hands, and the more unnecessary as I shall have occasion to Convey them to you with Security very Suddenly, when you will not only be Informed of Our Resolutions for paying a due regard to Your Representatives; but of the Execution of them, likewise the most Material Point

My answer to your first Letter by Mr Parsens of the 13th of August with the Orders annexed for fear they might have met any Accident in their way, I send you a Copy of on this occasion, and have the pleasure to acquaint You, We have been preparing for Succouring of you, as occasion might require, ever Since my Last, My Convoy being ready for putting to Sea as I doubt not all will be on the Generals Part, in a very few days by which Occasion, I shall have a proper Opportunity &c of Communicating all particulars to you

And

And it was with great pleasure we found by a Letter from Mr Daniel Deas that the Succours from your parts were so Seasonably arrived of St Simons and was attended with such happy Successes

I am

Boyne in Port Royal Harbour Jamaica 7th September

Honble Sr

Your most Obedient humble Servant

E. Vernon

(Enclosure)

Jamaica August 13th 1702

Sr.

I have received the favour of your Letter of the 7th past Admiral Vernon will transmitt to you a Copy of the General Council of War held Yesterday upon the Subject Matter of your Letter to him, the General and myself. And as the Admiral and General have promised each in his Province the one to get his Ships, and the other his Men ready to go upon Action as Occasion shall require; it is to be hoped they will be so in a few days and before any fresh Advices shall come from you desiring Assistance, In case of such advice from you which it is to be presumed we shall have if it is

necessary

necessary I make no doubt but the Council will be of Opinion to send immediately to your Succour both Ships and men notwithstanding the August Moon Should not be over; At least it is the Opinion of.

Sir

Your most Obedient humble
Servant. Edw Trelawny

Copy of a Letter from Governour Trelawney of Jamaica to William Bull Esqr Lieutenant Governour of So Carolina in Answer to an Expreas Sent to Jamaica July 4th 1742

(Enclosure)

Jamaica Sept. 9th 1742

Sr

I have the favour of your Letter of the 20th & 26th July together with Bedons Affidavit I could not be present at yr Council of War held last Saturday upon the occasion but as both the Admiral and General will undoubtedly acquaint you not only with yr result of that Council, but their particular Sentiments upon the matter I beg leave to referr thereto.

I am exceedingly pleased to hear of Mr Oglethorpes Success, & I heartily wish that the Reinforcements now sent I wish it could have been larger will enable him to turn the

the Tables upon yᵉ Spaniards

I am

Sr

Your most Obedient
humble Servant

Honble Bull Esqr Edw Ireland

The Above is a letter from Govr Ireland to His Hon^r yᵉ Lieut Govr Bull

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(Enclosure)

Copy of a Letter from General Wentworth to Lt Govr Bull.

Sr

I am favoured with your Letter of July 7th relating to the Spaniards having invaded Georgia and to yᵉ bad Consequences wch you apprehend may arise from thence to yᵉ Province of South Carolina duplicates of which Letters I find sent to Admiral Vernon, and Govr Ireland. We met Yesterday in Council to take yᵉ Contents into Consideration when I declared my readiness to assist you with such force as can be spared from the manning of the Kings Ships and the defence of this Island, and proposed it should be done with all possible Expedition but the Admiralls having Signified to yᵉ Council that

that ye Troops can not put to Sea till after the first full Moon in September without being expos'd to imminent hazzard from ye hurricanes we came to a resolution that ye Transports should be victualed and Watered and the forces imbarked to be prepared for Sailing in Consequance of any further Intelligence we may receive from You as it is to be presumed that if the Enemie have penetrated into ye Province another Express will very soon reach us.

Mr Vernon will inclose to you ye Proceedings of Council I shall therefore only add, that nothing in my Province shall be wanting to Succour You, in case ye Enemie should not be retired, as I think the preservation of So Carolina to be of ye utmost consequence to His Majestys Service.

I am

Sir

Jamaica Augt 13th 1702

y^r most obed^t humble Servt

Thos Wentworth

The Honble Wm Ball Esqr

(Enclosure)

Copy of General Wentworth's Letter to the Honble Wm Ball Esquire.

Sir

I

I was favoured with yours of July the 20th In Consequence of which a Council of War was Assembled and a Resolution taken to detach to your Assistance five hundred Men under the Command of Colo Dunoures who is the Bearer of this Letter.

I am Glad (and was before the recpt of your last letter) of opinion that the absence of the Garison of St Augustine gives a favourable opportunity for reducing that fortress, And proposed the Sending a Number which might have Effectually performed that work, but the Two Admirals opposing it And Alledging that the Spaniards Can easily throw powerfull Succours into St Augustine from the Havana which our Shipping Can not prevent; As the Sea is More Immediatly those Gentlemens Province I Acquiesced; Private Letters gives us room to hope that before this Can reach you; the Enemy will be repulsed, and that you will have no occasion for Colo Dunoures Assistance in which Case the Council thought it adviseable to order him to Return without delay with his Detachment to Port Royall in Jamaica

I am

Sir

Your most humble

and

Jamaica and obedient Servant
September the 11th 1742 Thos Wentworth
The Honourable William Bull Esquire
Recd Febry 7th 8th } 1742/3
Read Ditto 7th 11th }

B P R O Ay St P. Vol 17 p 164

(20th October 1742)

Copy of Lieut Govr Bull's Letter to Coll Vanderdussen, dated at Charles Town the 20th of October 1742

Sr

Nothing of Consequence has happened since you left us, only the Assistance of 300 Land forces under the Command of Col Durouré sent here by General Wentworth, and Admiral Vernon, conveyed by the Shoreham and Spy Sloop. In case the Enemy had left these Provinces, they were to return, so they now wait only for Genl Oglethorpe's Answer to know the Situation of Affairs in Georgia, and the motion of the Spaniards but the Officers are so well pleased with the change of Air and the Cheapness of our Provisions, that they would willingly remain here.

See Captain Fennel is lately arrived here from La Vera Cruz with thirty four English Prisoners whom he had in Exchange for Spaniards, where he saw one of Captain Anson's Men, that was taken just before Capt Anson was to Sail from the Spanish Coast on the South Sea for the Indies which was in the beginning of April last with only two Ships of War and 300 Men having taken to the value

of

of 500,000 pieces of Eight, so that you may in all probability have the Satisfaction to see him in London.

We have been in hopes that Admiral Vernon and Gen.l Wentworth would have had Orders to call at St Augustine in their way home but I hear they were called home without any direction for such an Enterprize. If the Spaniards could fit out such a number of Men and Vessels, and Attack these Colonys whilst our Fleet and Forces were at Jamaica, what may be apprehended when the British Forces leave the West Indies especially if Spain has the Assistance of France in these Parts. But I am still in hopes that when your application is thoroughly considered, proper measures will be taken for Our Security in some Shape or other, for obtaining which, I doubt not of Your Endeavours and Assistance, among the many other well wishes of Carolina.

I am

Sir

Your very humble Servant

To Col.o Vanderdussen

Wm Bull

B. P. R. O. A & W I Vol 19 f 172.

Frederica in Georgia 21st October 1742

Sir

It was with great pleasure I received the News of so noble a Reenforcement as five hundred Men arrived under your Command. I must own I wish Zealously that they may be imployed before they return, if it can be done consistent with your Orders from General Wentworth, for as His Majesty's Service may want those very men in Jamaica, I shall entirely take your advice upon this occasion.

The Spaniards still keep the Field out of Augustine, and I am very far from thinking that this place, or even Carolina in quite out of Danger. We have lost a great many Men by Sickness since the Action at St Simons. I saw the Regiment here yesterday under Arms, by the Returns it is 366 Privale, therefore notwithstanding all our Losses, we can leave a sufficient Garrison in this Place, and the Sick; and a sufficient Garrison at Fort William, and yet march 300 rank and file Men of the Regiment, able to endure all Fatigues, two Troops of Rangers, and fifty Marine Boatmen. Besides we have some Indians, One fourteen Gun Schooner

and

and four large scout Boats, and we know the Country and Passes of the Woods, which is of great consequence. We have not Artillery enough for the Town, much less, are we able to carry any into the Field. The Strength of the Spaniards I cannot know at present, but send you a List what was upon the late Expedition, according to the account of the Prisoners.

As you are a better Judge of the Situation which General Wentworth is in, and the necessity he may have for the return of your Command than I can be, I leave it to you, to do that which you think will be most agreeable to him, which I am persuaded will be most for his Majesty's Service as well in Jamaica as here.

My Opinion is that it would be much for his Majestys Service, that the Troops and Ships should come in and Stay here 'till we can be certainly advised of the present Situation of the Spaniards, without which we can hardly come to a right Determination. But if that should not be consistent with the orders to the Ships, and with the Welfare of the Troops in Jamaica, I think at least, the Ships and Troops should call here in their way to Jamaica, since many new things happen in War, and

you

you might at least carry to Jamaica the freshest Advices of the Situation of this Frontier. We are here upon the same Continent, and are next Neighbours to a numerous Enemy. We are destitute of many things necessary for War, much outnumbered by our open Enemies and opposed instead of supported, by the Envy and Folly of those who would certainly be ruined if we should be conquered. I am

Sr

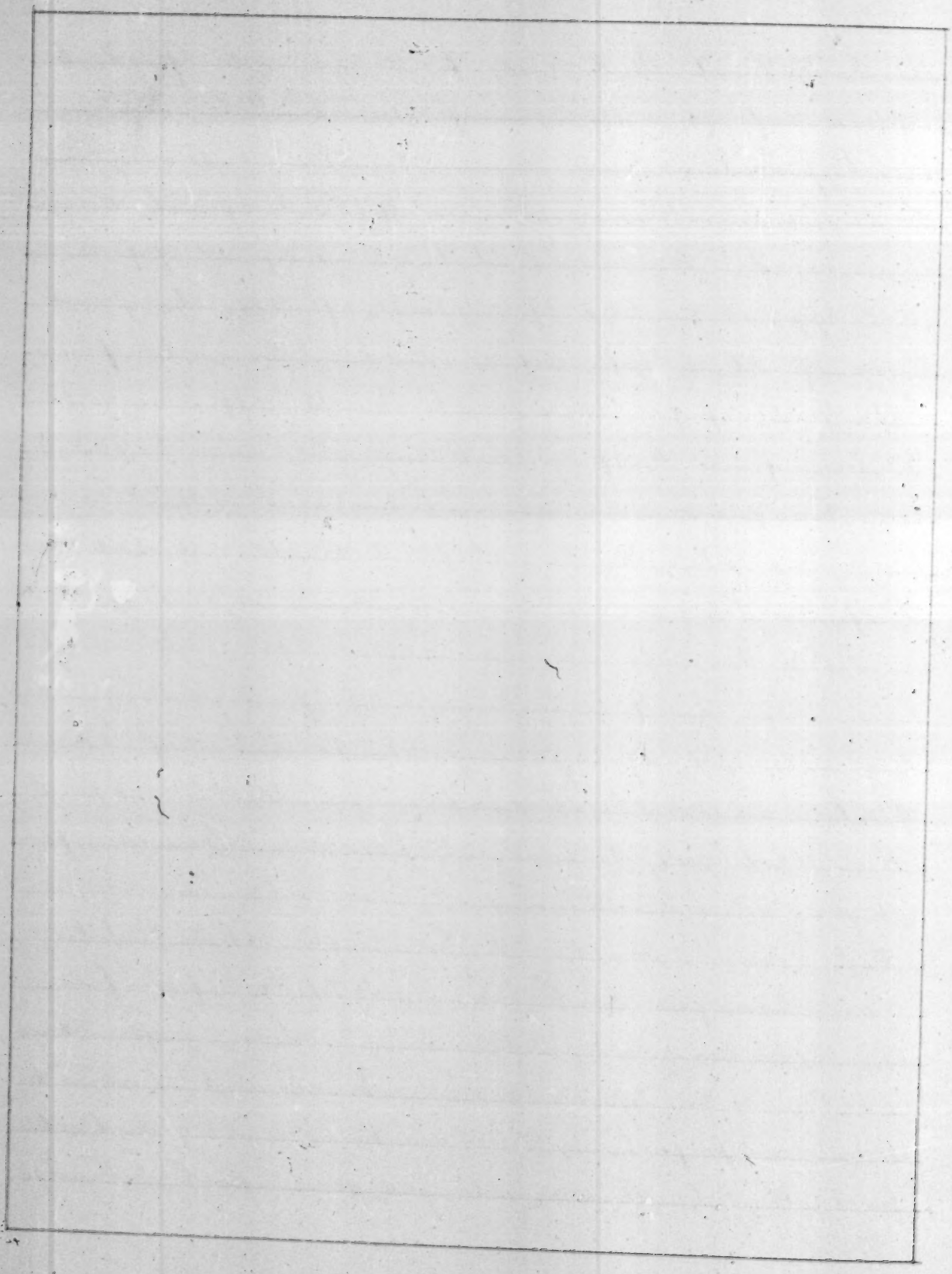
Your most Obedient
humble Servant
James Oglethorpe

To Colonel Duroure

P.S.

You mention a Rumour as if Augustine was to be besieged, If any thing should arise of that kind, I shall do all that is possible towards making it succeed and desire you will acquaint me with what you know thereupon.

Copy.



B P R O Ay W I Vol 19 p 168

(24th October 1762)

My Lord

By General Wentworths Commands I am to acquaint Your Grace, that in consequence of a resolution taken by the Council of War at Jamaica, I was ordered to take upon me the Command of a Detachment of five hundred Men with officers in proportion from the five Eldest Regiments, and to proceed for this place with seven Transports, under the Convoy of the Shoreham Capt Brodrick, and the Spy Sloop.

We left Jamaica the 11th Sept and arrived here the 12th Instant.

Upon my applying to Mr Bull Lieut Governor of this Province, as my Instructions direct me, I found that the Enemy had retired from the Province of Georgia, on the 18th July but as the Governour nor His Council, would not take upon them to determine how farr that Colony might be free from the apprehension of the Enemy's returning upon them, as their loss upon the retreat was but Inconsiderable in proportion to the Numbers they had at first landed, It was thought most for His Majestys

Service

Service, at a Meeting of the Governor, the two Eldest Officers of the Fleet, with myself, and the Major of the Detachment, as the Lieut Colonel M Kalden had dyed in the passage; That this Command with the Convoy should remain here, until Mr Oglethorpe who is at Frederica, should be acquainted with our arrival, and We had his answer which might determine our longer Stay, or an Immediate complyance with my Instructions, which are, to return without delay to Port Royal, If upon my arrival at Charles Town, I shall find that those Provinces are no longer Invaded or Insulted by the Enemy

Agreeable to this resolution, The Hawk one of His Majestys Sloops, was dispatched with Letters of the 10th from us, and We are in daily expectation of her return.

As my Instructions direct me My Lord to send your Grace an Account of what Intelligence I can procure of the posture of the Enemy, or what ever else may be for His Majestys Service, I can only add what I fear from the principal Men here: That the Enemy upon their retreat, were met by some of Our Privateers, who took two or three of their Small craft, and punn the like number upon the North of Cuba Shoar.

Shoar; but that notwithstanding that loss and Interuption to their retreat, they are Still very apprehensive, of a Second visit from them, and Instead of being continually harass'd by the Enemy while Fort Augustine shall remain in their possession, and therefore they seem very Sanguine to contribute largely to all Supplies of Men or treasure, that may be thought necessary Jointly with his Majesty's Troops to the Wresting that Fortress out of their hands.

We have lost by Death since We left Jamaica besides Col° Halden Lt Nelson of Genl Guise's with ten private Men; but tho we have now about fifty Sick unfit for Service as this Climate is much more agreeable to their constitution than that of Jamaica I am in hopes most of them will soon recover.

I shall do myself the Honour by every opportunity to transmit to Your Grace an Account of our proceedings, which I beg to assure you will be Influenced by no other motive but that of his Majesty's Service and in my own particular by what is inseperable from it, the highest ambition of deserving to be what I am with the greatest Respect

My Lord

Your

Your Grace's
Most Devoted and
Charles Town . most obedient Humble Servant
South Carolina Oct.r 26.th 1742 A Duroure
(His Grace the Duke of Newcastle)

B. P. R. O. A. & W. I. Vol 17 p 171

(31st October 1742)

My Lord

I did myself the honour the 26th Inst to acquaint your Grace, that I was then lately arrived here with a Command of five hundred Men, Sent from Jamaica pursuant to a resolution of a Council of War, for the relief of this Province and Georgia, If they were either Invaded or Insulted by the Enemy. I also informed your Grace that finding the Enemy had retired from Georgia, and that the Lieutenant Govern[r] nor his Council could not take upon them to determine how farr that Colony was free from the apprehension of the Enemy's returning; It had been resolved, the Detachment should wait here till the return of an answer from M[r] Oglethorpe.

The 26th I received his Commands, of which I take the liberty to Send You a Copy.

As I had in my Letter to M[r] Oglethorpe transcribed the Article of my Instructions from General Wentworth, relating to my Immediate return, In case the Enemy was retired, and those Colonys were no longer Invaded or Insulted; I thought I could no longer hesitate in what he had left at my liberty;

since

Since what I must think most agreeable to Genral Wentworth, could only be a strict regard to his Instructions. and therefore at a Meeting with the two Eldest Officers of the Fleet, our opinions were Immediately to return to Jamaica

In Consequence of this, the Lieutent Governor and Council of this Province, layed before us, Such reasons as occurred to them for the Stay of the Detachment, as likewise a Petition from the Merchants of the Place to the same effect, but as the Substance of them does not amount to any proof that the Colony is in Such circumstances as can Justify the least Start from Our Instructions We are preparing for our return to Jamaica and shall I believe Set Sail to morrow

Indeed My Lord could I think myself at liberty to act otherwise from my Instructions and Mr Oglethorpe's concurrence with them the apprehension this Province seems to be in, for want of some regular force at hand while they can bring their dispersed Militia together, would have engaged me to Stay till I could have farther orders, but this I have not dared to take upon me.

I have acquainted Mr Oglethorpe with my returning

returning and the necessity of hastening it, as I conceive this Detachment Composed of several Corps, might be wanted to answer any new desposition to be made of the troops at Jamaica, Since when I left Genl Wentworth, he was in daily expectation of his Majestys Comands by your Grace. So that we shall proceed without calling at Georgia, which at this time of the Year might very much lengthen our passage.

I have the honour to be my Lord

Your Grace's.

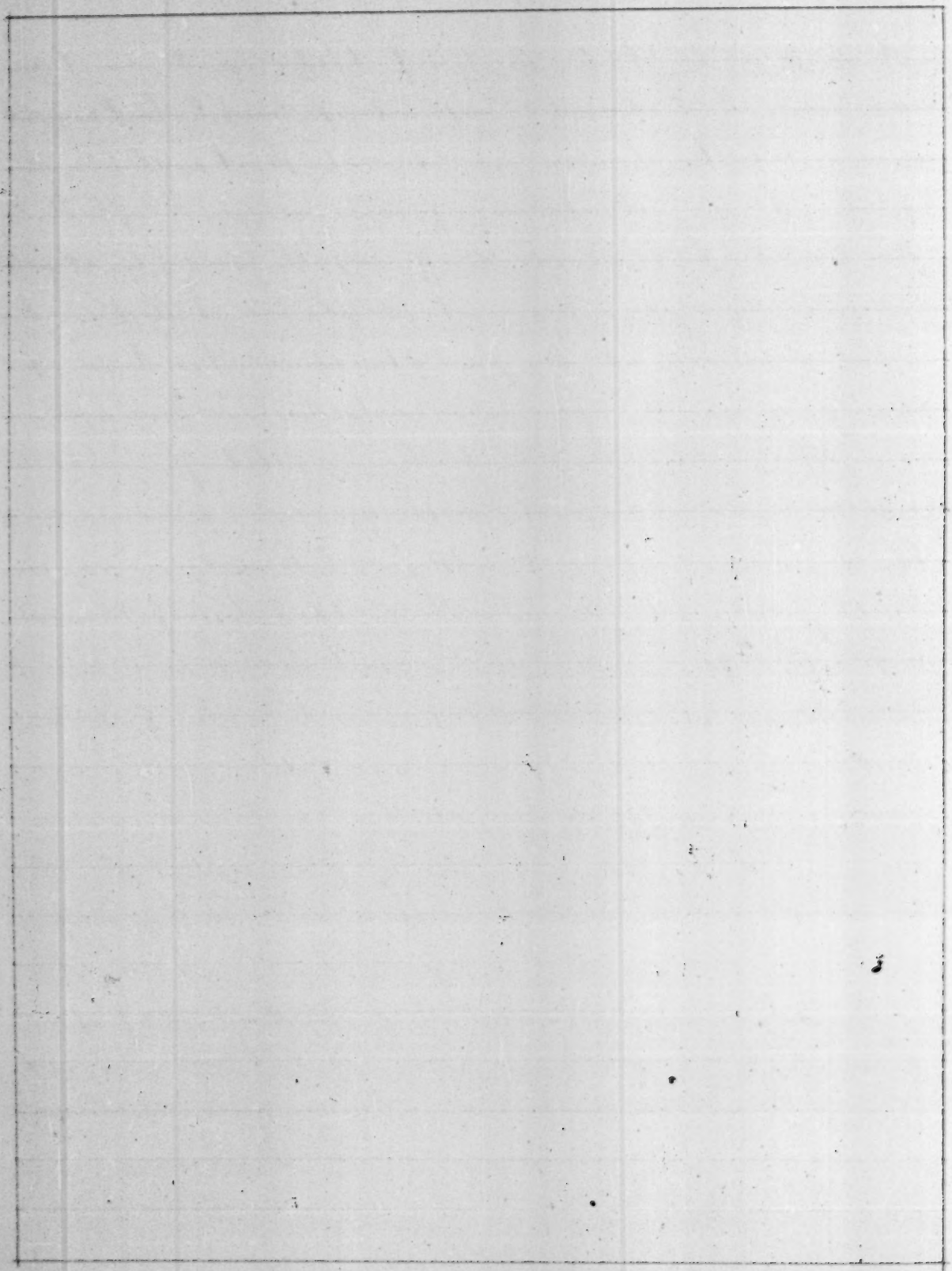
most Devoted and

most Obedient humble Servant

A Dunoure

Charles Town
South Carolina
Octob: 31st 1742

(His Grace the Duke of Newcastle)



B. P. R. O. South Carolina B. T. vol 12 Grg.

(24th November 1742)

At the Council Chamber Whitehall
the 24th day of November 1742
By the Right Honourable the Lords of the
Committee of Council for Plantation Affairs

His Majesty having been pleased by His Order in Council of the 13th of September last to refer unto this Committee the annexed Representation from the Lords Commissrs of the Admirally proposing for the reasons therein contained that His Majesty will be graciously pleased to grant a New Commission for the Tryal of Piracies and other Offences committed within the Jurisdiction of the Admirally in South Carolina — The Lords of the Committee this day took the said Representation into Consideration, and being of Opinion that such Commission is necessary to be issued are hereby pleased to Order that the Lords Commissioners for Trade and Plantations Do forthwith consider of and lay before this Committee the Names of such Persons as they shall think proper to be appointed for carrying the said Commission into Execution

Ja Vernon.

(Enclosure)

(Enclosure)

May it please Your Majesty

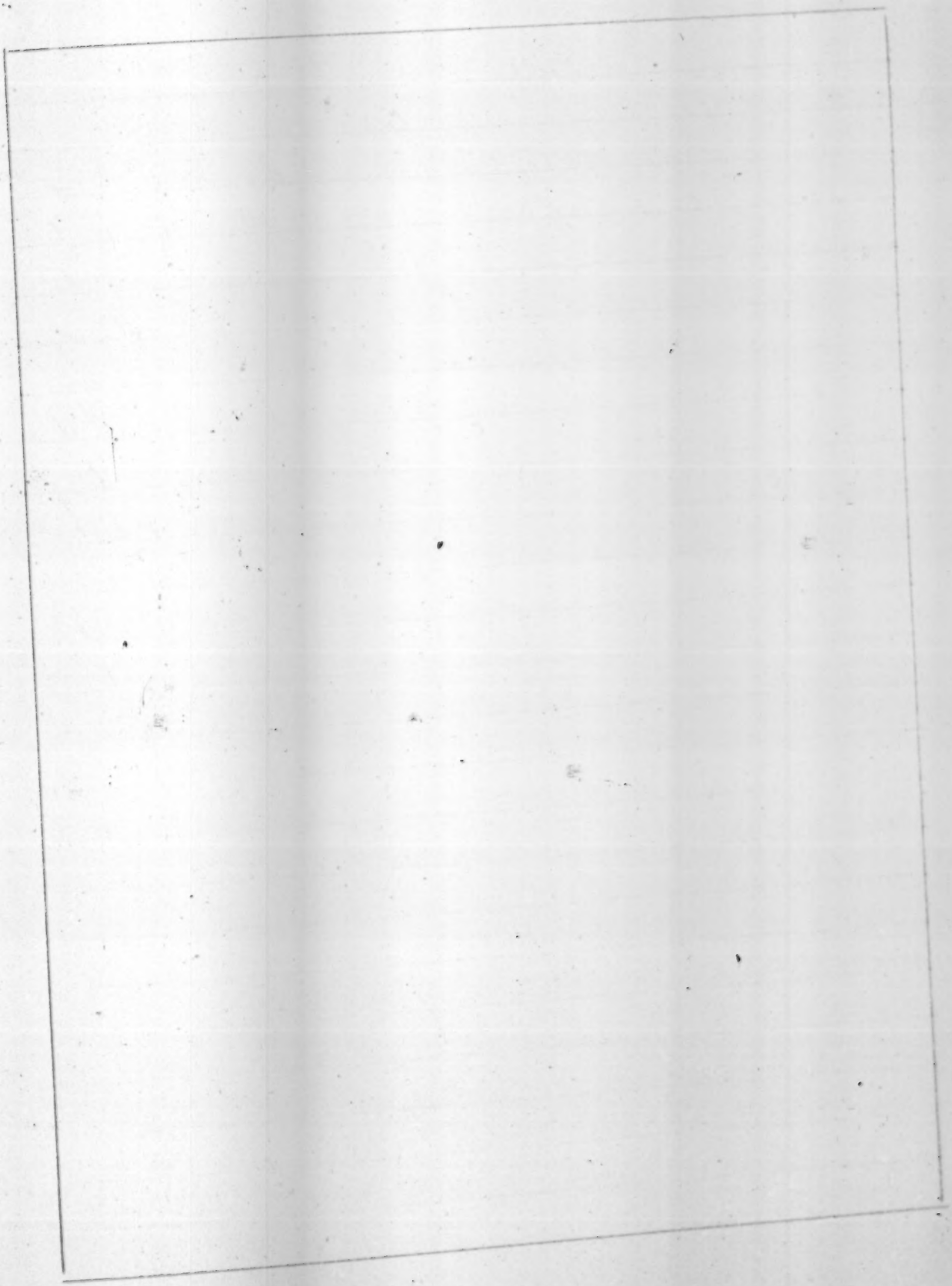
The Lords commissioners for Trade and Plantations having informed us, that there has not been any Commission for trying Pirates issued out to the Government of South Carolina, since Your Majestys Accession to the Crown, and that there are doubts whether the Powers granted by the commission of His late Majesty do yet Subsist. In Order therefore to remove the said Doubts and prevent a failure of Justice, We do humbly propose, that Your Majesty will be graciously pleased to grant a New Commission for the Tryal of Piracies, and other Offences committed within Jurisdiction of the Admiralty in South Carolina

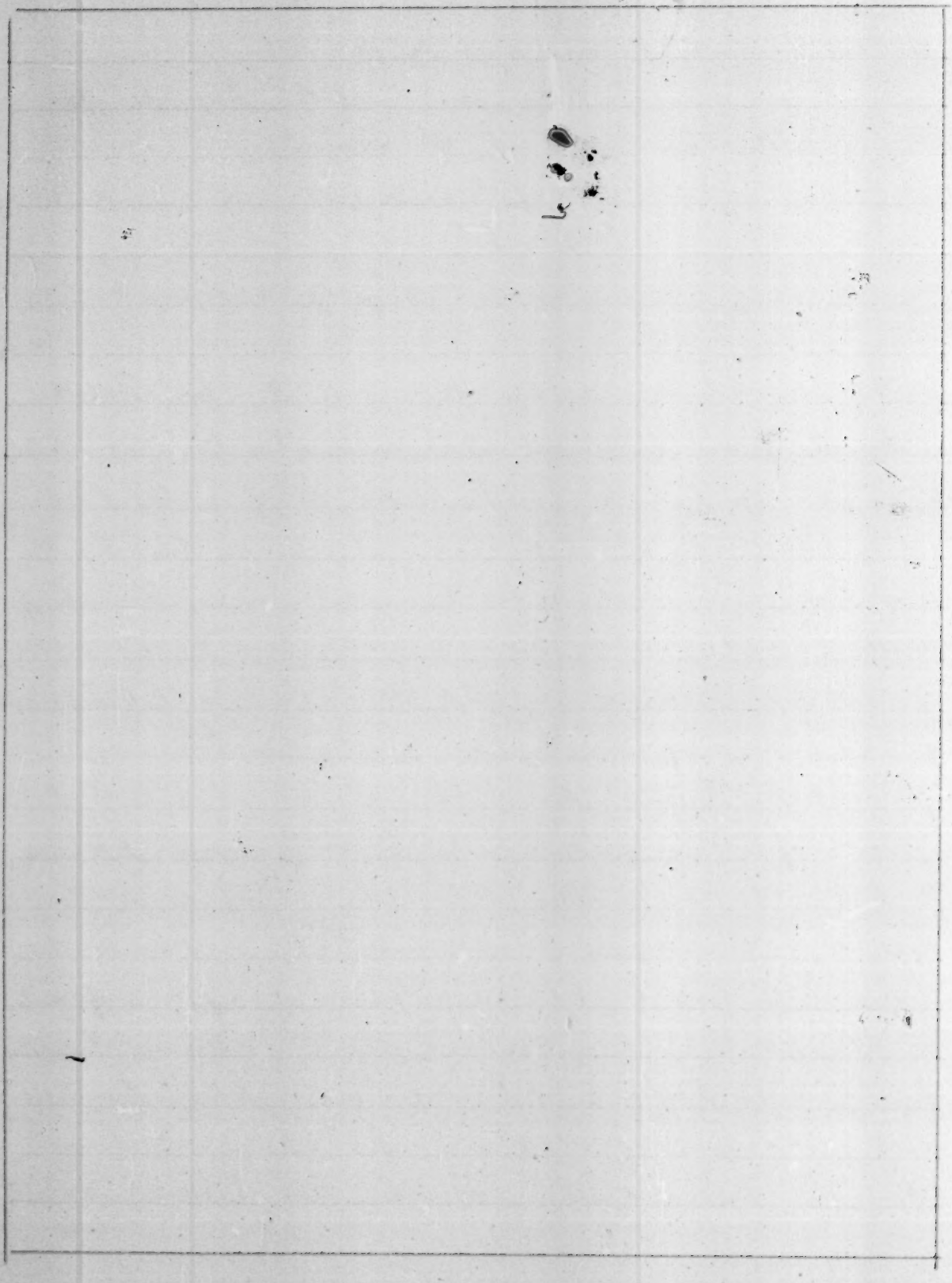
Which is humbly Submitted

Winchelsea
Baltimore
Geo Lee

Admiralty office
19 Augt 1742

Recd Novemr 29th
Read Decr 1st } 1742





P R O South Carolina B T Vol 12 Fol

(11th December 1702)

At the Court at St James

the 11th Day of December 1702

Present

The Kings most Excellent Majesty in Council

Whereas there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs dated the 24th of last Month Proposing that Six Eighteen Pounder Iron Ordnance and One hundred and Twenty Rounds of Shott amounting to £425:11:9 may be sent to the Province of South Carolina to replace those lent by that Province for the Seige of St Augustine, and also Proposing that four Nine Pounder Iron Ordnance and a Suitable Proportion of Stores amounting to £243:15:8 may be likewise sent to the said Province for the use of their Row Gallies — His Majesty in Council taking the said Report into Consideration was Pleased to approve of what is therein Proposed, and accordingly to Order as it is hereby Ordered, that the said Six Eighteen Pounders and 120 Rounds of Shott and also the said Four Nine Pounders and Stores for the Row Gallies, the

whole

whole Expence whereof as Estimated by the Board of Ordnance amounts to 669: 7: 5 be forthwith sent to the said Province of South Carolina — And the Master Genral of the Ordnance is to cause the necessary directions to be given herein accordingly

A true Copy
Temple Stanyan

(Enclosure)

A Proportion of Ordnance and Stores for the Use of Row Gallies to Protect the Inland Passages at South Carolina Prepared in Consequence of an Order of the Right Honble the Lords of the Committee of Council for Plantation Affairs dated the 24th August 1742

			No	£ s d
Iron Ordnance	9	Pounders of 10 feet	4	
Round Shott	9	Pounders	200	134: —: —
Grapes compleat	9	Pounders	40	
Cured Paper Cartridges	9	Pounders	240	
Formers for Cartridges			4	
Copper Proove Measures to fill Cartridges	9	Pounders	4	2: 8: —
Cases of Wood for Ladles & Spunges	9	Pounders	8 La. 8r 4: 4	6: 10: —
Rope Spunges			4	
Wadhooks with Rammers			4	
Spunge heads & Rammers			4	

Shap

				£	s	d
Sheep Skins to Coal Spunges			11			
Spunge Sacks for Ditto			400			
Sampeons for Guns	9 Pounders		24			
Corn Powder	Barrells		10	115	19	2
Matche	Cwt		2			
Budge Barrells Copper hooped			11			
Tann'd Hydes			11			
Lanthorns	Muscovy		11			
	Ordinary		11	10	11	
	Dark		11			
Powder Horns			11			
Priming Irons			8			
Aprons of Lead			11			
Iron Crows			11	3		1
Handcrowleavers			8			
Baskets			11			
Marlin	Skains		11			
Junk	Cwt		11	2	11	
Freight and Incidents on 10 Tons at £4 ₱ Ton				40		
				£	243	15 8

Recd March 7th 1742/3

Read April 21 1743